

ENVIRONMENTAL PROTECTION

Division of County Environmental and Waste Enforcement Programs

Bureau of Hazardous Waste Compliance & Enforcement

Proposed amendments: N.J.A.C. 7:26G-2.4(g)

Proposed new rule: N.J.A.C. 7:26G-2.4(h)

Authorized by: Bradley M. Campbell, Commissioner,
Department of Environmental Protection.

Authority: N.J.S.A. 13:1D-1 et seq.; 13:1B-3
13:1E-1 et seq.; 13:1D-125 et seq.

Please Note: All comments prior to the formal rule proposal should be brought to the stakeholder meeting.

Summary

The State of New Jersey has regulated the handling of solid and hazardous waste since 1970 pursuant to the Solid Waste Management Act, N.J.S.A. 13:1E-1, et seq., and pursuant to continuing authorization from the United States Environmental Protection Agency (USEPA) to enforce the Resource Conservation and Recovery Act (RCRA). The New Jersey Hazardous Waste Program is modeled after the USEPA program and incorporates by reference the Federal regulations found at 40 C.F.R. Parts 260 – 271. A full summary of the Department's current Hazardous Waste Rules can be found at N.J.A.C. 7:26G.

The Department of Environmental Protection (Department) is proposing to supplement, update and modify its Hazardous Waste Rules found at N.J.A.C. 7:26G-1 et seq. by amendments to N.J.A.C. 7:26G-2.4, 'Civil Administrative Penalties For Violations Of Rules Adopted Pursuant To The Act', specifically N.J.A.C. 7:26G-2.4(g) and is proposing a new rule at N.J.A.C. 7:26G-2.4(h).

The proposed amendments and new rule include the identification of violations of the Hazardous Waste Rules as either minor or non-minor for the purpose of providing grace periods in accordance with P.L. 1995, c. 296 (N.J.S.A. 13:1D-125 et seq.) "Fast Track Compliance Law", commonly called the Grace Period

Law and establishing how the Department will respond to any violation identified as minor; updating the rule summary lists found at N.J.A.C. 7:26G-2.4(g) to include new Code of Federal Regulation (CFR) citations which are incorporated by reference into the Department's Hazardous Waste Rules pursuant to N.J.A.C. 7:26G-1.4; modifying the existing methodology for establishing base penalty amounts; establishing new base penalties; and, formally classifying violations as either High Priority Violations (HPV) and Secondary Violations (SV) relative to USEPA's Hazardous Waste Civil Enforcement Response Policy (ERP) and including these classifications in the rule summary lists found at N.J.A.C. 7:26G-2.4(g).

Prospectively, incorporated by reference at N.J.A.C. 7:26G-7.3(a)1 and 7:26G-7.3(a)2 at Appendix A, are portions of the Hazardous Materials Transportation Regulations at 49 C.F.R. Parts 130, 171 through 180 and the Motor Carrier Safety Regulations at 49 C.F.R. Parts 390 through 397. While not specifically included by the Legislature at P.L. 1995, c. 296 (N.J.S.A. 13:1D-125 et seq.) "Fast Track Compliance Law" ("the Act"), the Department is also proposing designations as either minor or non-minor for the purpose of providing grace periods for these two transportation-related regulations.

On December 22, 1995, the Legislature enacted the Fast Track Compliance Law, which provides for the establishment of a process ensuring consistent application of grace (compliance) periods for minor violations of certain

environmental statutes. Pursuant to that law, the Department is required to designate violations as minor or non-minor violations. Under the law, any person responsible for a minor violation is afforded a period of time by the Department to correct the violation in order to avoid being subject to a penalty. If the minor violation is corrected as required, then no penalty is assessed.

It should be noted that the Department's Hazardous Waste Program has practiced a correlative form of grace period for nearly twenty years through its observance of USEPA's Hazardous Waste Civil Enforcement Response Policy (ERP). This policy found at <http://www.epa.gov/compliance/resources/policies/civil/rcra/erp-mem.pdf>, requires USEPA staff and RCRA authorized States (New Jersey) to classify violators as either significant non-compliers (SNC's) or secondary violators (SV's) based on the nature and/or impact of the violations cited (actual or substantial likelihood of exposure to hazardous wastes/substantial deviation from the terms of a permit or regulatory requirements) and the compliance history of the violator (chronic/recalcitrant violators). As a primary step in deciding the appropriate violator classification, the Department has for many years classified its violations as either High Priority Violations (HPV's) or Secondary Violations (SV's) (formerly Class I's and Class II's) based upon a review of the particular regulatory requirement and its potential impact to or deviation from the tenants of RCRA. For high priority violations (violations of substantial impact/deviation) penalty assessments are issued. For violations determined to be of a secondary nature, are not repeat violations and are complied with in a timely manner, no monetary penalties are

assessed. Not coincidentally, the basis for the determination of which RCRA regulations are deemed minor and non-minor for the Fast Track Compliance Law is based on this ERP classification.

Part of this proposal includes recognition of the Department's observance of USEPA's ERP and the formal listing of these violation classifications which has heretofore been in longstanding existence but never promulgated in the Department's Hazardous Waste Program's penalty rules.

For clarification purposes, it should be noted that the Hazardous Materials Transportation Regulations at 49 C.F.R. Parts 171 through 180 and the Motor Carrier Safety Regulations at 49 C.F.R. Parts 390 through 397 , listed in Appendix A, are not considered RCRA regulations, thus the determination of minor and non-minor classifications for the Fast Track Compliance Law is not based on the ERP policy, but instead is based upon the Department's expertise and experience in administering these regulations.

Relevant to the Fast Track Compliance Law, it is important to note that just because a violation may be designated as minor on the Department's violations list, it does not follow that the violation will automatically be afforded a grace period. A grace period will only apply provided the defining criteria set forth in the law at N.J.S.A. 13:1D-129 are met. These criteria are as follows:

(1) The violation is not the result of the purposeful, knowing, reckless or criminally negligent conduct of the person responsible for the violation; and

(2) The violation poses minimal risk to the public health, safety and natural resources; and

(3) The violation does not materially and substantially undermine or impair the goals of the regulatory program; and

(4) The activity or condition constituting the violation has existed for less than 12 months prior to the date of discovery by the Department; and

(5) (a) The person responsible for the violation has not been identified in a previous enforcement action by the Department as responsible for a violation of the same requirement of the same permit within the preceding 12 month period; or

(b) In the case of a violation that does not involve a permit, the person, as defined in the Act, responsible for the violation must not have been identified by the Department in a previous enforcement action as responsible for the same or a substantially similar violation at the same facility within the preceding 12 month period; and

(6) The violation is capable of being corrected and compliance achieved

within the time prescribed by the Department.

In those cases where the circumstances of the violation deviate from the above criteria, the Department may pursue enforcement action in accordance with applicable statutory authority including, but not limited to, the assessment of penalties as may be appropriate and the exercise of the Department's traditional, judicially recognized enforcement discretion.

The law also requires that the Department establish the length of the correction period, which may be no less than 30 days or more than 90 days, based upon the nature and extent of the minor violation and a reasonable estimate of the time necessary to achieve compliance. The Department may establish a special class of minor violations that, for public health and safety reasons or regulatory constraints (the regulation itself defines a correction timeframe) must be corrected within a period of less than 30 days.

The Hazardous Waste Program is among the programs to which the Fast Track Compliance Law applies. In obtaining assistance in the development of this proposal relative to the Fast Track Compliance Law, the Department initiated an informal process to discuss and receive input from interested parties. As part of this process, the Department developed a discussion document setting forth a proposed list of minor and non-minor violations for the Hazardous Waste Program (based upon the Department's existing ERP violation classification documents) and

conducted a series of workshops to provide an opportunity for interested parties to discuss the proposed list and provide comments and raise issues. The Department conducted workshops on November 12, 1996 and November 18, 1997 to discuss the application of the Fast Track Compliance Law to this program and more recently on

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wherein the full scope of the proposal was discussed. This proposal, which includes the identification of minor and non-minor violations of the Hazardous Waste Program and a new section at N.J.A.C. 7:26G-2.4(h), which identifies the eligibility criteria for grace period consideration along with how the Department will provide grace period for minor violations, reflects consideration of the input obtained at those workshops.

Proposed N.J.A.C. 7:26G-2.4(h), provides that when such a minor violation has been identified, the Department will issue a notice of violation to the entity responsible. That document will identify the condition or activity that constitutes the violation, the regulatory provision or other requirement violated and provide the time period within which the violation must be corrected as set forth in the rule summary tables and appendix at N.J.A.C. 7:26G-2.4(g). The document will also provide that no penalty will be assessed if the violation meets the grace period eligibility criteria and is corrected as required. In the case of minor violations which fail to meet the defining criteria at N.J.S.A. 13:1D-129, and are deemed ineligible for grace period, or in the event an eligible violation is not corrected as required, the Department will proceed with appropriate enforcement action in accordance with its statutory authority.

The Department is also proposing to modify the existing methodology for establishing base penalty amounts. Base penalties by their nature, assume the optimal or least aggravating circumstances for each of the statutory criteria; that the violator has been fully cooperative and has promptly implemented all appropriate mitigation or prevention measures, and has an otherwise satisfactory compliance or operating history. Base penalties establish an amount deemed minimally necessary to deter future violations. In this regard, the base penalties assume that the violation was neither intentional nor even negligent, except as may otherwise be implicit in the particular infraction.

Historically, the Hazardous Waste Program determined base penalties by calculating an average of prior issued penalties for a particular citation. Consequently, new regulations and regulations which are not commonly cited do not have base penalties and require penalties be calculated using the penalty matrix found at N.J.A.C. 7:26G-2.5. The penalty matrix is usually employed when violation conditions are other than optimal, meaning that the violation has resulted in substantial, actual or potential harm or is determined to be a substantial deviation from the requirements of a permit or regulation and/or the violator exhibits aggravating conduct factors such as failure to comply, poor compliance or operating history or the violation was clearly foreseeable and could have been avoided. The penalty matrix is a more involved and complex assessment mechanism as it must take into consideration these aggravating factors and by design, generally results in

larger penalty assessments.

The Department finds that the inability to establish base penalties for new regulations and regulations which are not commonly cited is not in the best interest of the Department, nor the regulated community, as it places a needless burden on the Department to utilize the matrix system and its more complex penalty justification requirements and can unintentionally and disproportionately result in a higher assessment than an established base penalty for violations that may demonstrate optimum conditions.

The Department therefore proposes to establish new base penalties for violations that were previously precluded from having a base penalty, due to the limitations in the base penalty determination methodology used by the hazardous waste program, and consequently is re-establishing existing base penalty amounts on the basis of the Department's expertise in administering the hazardous waste program, considering the potential impact of each violation and the required deterrent effect, rather than rely on an average calculation mechanism.

From a consistency perspective, this proposed change in methodology will now make the hazardous waste program consistent with the methodology currently utilized by the Department's solid waste, regulated medical waste and recycling programs which also derive their authorization from the Solid Waste Management Act, N.J.S.A. 13:1E-1, et seq.

In preparing the proposed list of minor and non-minor violations, and high priority and secondary violations, the Department is using the Hazardous Waste Program's existing regulations at N.J.A.C. 7:26G-1 et seq. as a starting point and is proposing this list and related provisions in a form that is most appropriate to the format of the existing rule. Violations are set forth in tables and Appendix A at N.J.A.C. 7:26G-2.4(g) in the current Hazardous Waste Rules. The current tables and Appendix A contain three columns setting forth the rule citation, the rule summary describing the violation and base penalty. The Department proposes to delete the current tables and replace them with updated tables which include three additional columns. The first proposed column, identified as "Class", identifies each violation listed in the current rule as minor (M) or non-minor (NM). The second proposed column, identified as "Grace Period", provides for a period of time within which the violation must be corrected. The third proposed column, identified as "Priority", identifies each violation listed in the current rule as a High Priority Violation (HPV) or a Secondary Violation (SV). With respect to Appendix A, the Priority column is not included as these violations are not considered RCRA violations and are not covered under the USEPA's ERP policy.

In addition to the three new columns, the Department has updated the violation tables to include any changes or additions to the Federal Code of Regulations (CFR) that have occurred since the last update to the rule summary tables.

The Department has made every effort to identify, in the tables and Appendix A, violations that may be cited through its enforcement of State and Federal hazardous waste and hazardous material transportation regulations. The Department reserves the right to cite regulations it may have inadvertently missed through its review of State and Federal hazardous waste and hazardous material transportation regulations. These violations, once cited, will be reviewed in accordance with the standards provided by law and subsequently proposed for promulgation, including a designation as minor, non-minor, high priority or secondary violation.

Social Impact

These Hazardous Waste Rule Amendments, along with the new rule, will further support the necessary standards currently in force for the regulation and management of hazardous waste. It will further the rules' positive social impact created by outlining specific standardized procedures for regulating hazardous waste by further defining the penalties for non-compliance and the opportunity to come into compliance without penalty. These regulations will continue to allow for the management and handling of hazardous waste in a manner that protects public health, safety and welfare.

These amendments and new rule are also expected to help encourage a

greater sense of cooperation between the Department and the regulated community.

By removing the threat of penalties for certain types of violations where compliance is achieved within the time specified, the proposed rules will encourage the regulated community to take positive action toward achieving compliance, thereby benefiting society in general by quick rectification of minor violations of this protective regulatory scheme. Also, enabling the Department to efficiently create base penalties for new violations and non-routine violations will further enhance the predictability of the penalty assessment procedure, as well as allow the Department to devote greater resources to address non-minor violations, which can pose a substantial threat to society.

Economic Impact

The establishment of grace periods for certain violations of the Hazardous Waste Rules will provide an incentive to facilities to correct these violations by not assessing penalties if correction occurs within the time required. This aspect of the proposed new rule is anticipated to have a positive economic impact by removing the assessment of monetary penalties for certain types of violations where compliance has been achieved as required. It will not impose any additional requirements upon the regulated community and, therefore, not impose any additional economic burden.

As to the modification of the base penalty determination methodology, thus allowing the creation of base penalties for new violations and non-routine violations, this should have a positive economic impact in that it is anticipated that it will further enhance the predictability and consistency of the penalty assessment procedure and allow the Department to more efficiently use its resources.

The addition of new Code of Federal Regulation (CFR) violations may result in additional instances of penalty assessment. Any impacts resulting from the imposition of these new regulations would have been identified in the Federal rulemaking effort. In general though, new or additional penalties will have an economic impact upon those who are assessed a penalty because they have violated a rule, regulation, order, permit, license or other operating authority. The extent of the economic impact will depend primarily upon the nature of the violation, the violator's conduct and compliance history and the extent of any remedial or preventive measures which the violator has taken.

Environmental Impact

The Hazardous Waste Rules have had and will continue to have a positive environmental impact by providing for the comprehensive regulation and management of hazardous waste and assuring that hazardous waste facilities are properly closed and maintained in post closure. The penalty provisions of the rule

will continue to provide a deterrent to those who would violate the regulatory requirements. However, by allowing an eligible violator an opportunity to correct certain non-repetitive violations within the time provided, thus establishing an economic impetus for compliance through avoidance of penalty, it is anticipated that this rule proposal will also help encourage the regulated community to correct certain types of violations in a more timely manner and avoid future repetition of these violations. Additionally, by eliminating the necessity for Department personnel to invest additional time in evoking a minor violator to comply, more time becomes available for staff to pursue non-minor violators, thereby increasing enforcement activity relative to these more serious environmentally threatening violations.

Federal Standards Analysis

N.J.S.A. 62:14B-23 requires State agencies that adopt, readopt, or amend any rule or regulation to provide a comparison with Federal law and to provide further discussion and analysis (including cost-benefit analysis) if the standards or requirements imposed by the agency exceed standards or requirements imposed by Federal law.

The Department has conducted such an analysis of this proposed rule and has determined that it contains no provision or standard that exceeds any standards or requirements imposed by Federal law.

Jobs Impact

The proposed new rule will not have an adverse impact upon jobs within the State and may result in a positive impact. Where a facility has corrected a minor violation within the time required, no penalty will be assessed resulting in a cost saving to a facility at which a violation has occurred. It is, however, uncertain if any cost savings thus realized will result in a positive job impact. As with any cost savings, each member of the regulated community will use any additional funds that may become available in accordance with its own specific goals and priorities. For example, a facility could elect to make other business expenditures, increase its dividends to share holders, increase its compensation to its current employees, reduce the costs of goods or services sold, or increase employment. Because each member of the regulated community may respond differently, it is not possible to accurately estimate the extent, if any, to which this new rule will affect employment.

Agriculture Industry Impact

In accordance with N.J.S.A. 4:1C-10.3, the Right to Farm Act, the Department has reviewed this rule proposal and has determined that it will have little to no impact upon the Agriculture Industry.

Regulatory Flexibility Analysis

In accordance with the New Jersey Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., small businesses are defined as those that are independently owned and operated, not dominant in their field and employ fewer than 100 full-time employees. Many small quantity generators (SQGs) of hazardous waste are small businesses. These include, but are not necessarily limited to, dry cleaners, autobody and vehicle maintenance shops, academic laboratories, warehouse operations, printers, film developers and recreational facilities. Additionally, a small portion of the persons burning hazardous waste in boilers and industrial furnaces may come within the definition of small business.

The establishment of grace periods will allow small business, responsible for a violation and meeting the eligibility criteria at N.J.S.A. 13:1D-129, to avoid penalties if the violation is corrected within the time provided and is non-repetitive. It is, therefore, anticipated that the rule will be a positive force in encouraging small business violators, and all violators, to not only achieve compliance in a timely fashion but also avoid repetition of the violation without the use of penalty actions. Relative to this aspect of the proposal, this new rule will not impose any additional compliance requirements upon small businesses or any other part of the regulated community over what currently exist. In the event that a person responsible for such a violation elects not to comply with the grace period conditions, the Department will

pursue the enforcement action in accordance with its current enforcement procedures.

The addition of new Code of Federal Regulation (CFR) violations may result in additional instances of penalty assessment and therefore could affect small businesses, and all regulated entities for that matter, which violate the law. The Department cannot accurately qualify an “across the board” impact associated with the inclusion of these requirements as the impact will be borne specifically by the individual business committing the violation and will depend primarily upon the nature of the violation, the violator's conduct and compliance history and the extent of any remedial or preventive measures which the violator has taken.

Smart Growth

Executive Order No. 4 (2002) requires State agencies which adopt, amend or repeal any rule adopted pursuant to Section 4(a) of the Administrative Procedure Act, to describe the impact of the proposed rule on the achievement of smart growth and implementation of the New Jersey State Development and Redevelopment Plan (State Plan). The Department has evaluated this rulemaking to determine the nature and extent of the proposed rules' impact on smart growth and the implementation of the State Plan. The proposed new rules do not involve land use policies or

infrastructure development and therefore do not impact the achievement of smart growth. As to the implementation of the State plan, the proposed rules are intended to promote projects which conserve the State's natural resources, which is one of the overall goals of the State Plan.

Full text of the proposed new rule follows (additions indicated in boldface **thus**; deletions indicated in bracket [thus]):

7:26G-2.4 Civil administrative penalties for violations of rules adopted pursuant to the Act

(a) – (f) (No change)

(g) The following summary of rules contained in N.J.A.C. 7:26G-2 through 7:26G-12 is provided for informational purposes only. In the event that there is a conflict between the rule summary in this subsection and a provision in N.J.A.C. 7:26G-2 through 7:26G-12, then the provision in N.J.A.C. 7:26G-2 through 7:26G-12 shall prevail. The citations beginning with the symbol "ᄁ" identify the rule section found in 40 C.F.R. Parts 124, 260-266, 268 and 270. Citations beginning with

"7:26G" signify a State requirement not found in 40 C.F.R. Parts 124, 260-266, 268 and 270. The word "matrix" appearing in the "Base Penalty or Matrix" column refers to the penalty calculation matrix in 7:26G-2.5, which shall be applied in lieu of a "base penalty". **The column with the heading "Class" identifies a violation as minor (M) or non-minor (NM). The column with the heading "Grace Period" identifies the time afforded to correct a minor violation in accordance with N.J.A.C. 7:26G-2.4(h). The column with the heading "Priority" identifies a violation as high priority (HPV) or secondary (SV).**

******Existing Table to be placed here, marked for deletion - about 150 pages******

- 1. The violations of N.J.A.C. 7:26G-4, Hazardous Waste Management System: General, and the civil administrative penalty amounts for each violation, are as set forth in the following table. (Reserved)**
- 2. The violations of N.J.A.C. 7:26G-5, Identification and Listing of Hazardous Waste, and the civil administrative penalty amounts for each violation, are as set forth in the following table. Also set forth are the class of offense and any grace period, if allowed.**

(40 C.F.R. Part 261 Subpart A-General)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty Or Matrix</u>	<u>Class</u>	<u>Grace period</u>	<u>Viol. Type</u>
§261.5(f)	Failure of generator of acute hazardous waste to comply with the requirements of 40 C.F.R. § 261.5(f).	Matrix	NM		HPV
§261.5(g)	Failure of conditionally exempt small quantity generator of hazardous waste to comply with the requirements of 40 C.F.R. §261.5(g).	Matrix	NM		HPV

3. The violations of N.J.A.C. 7:26G-6, Standards Applicable to Generators of Hazardous Waste, and the civil administrative penalty amounts for each violation, are as set forth in the following table. Also set forth are the class of offense and any grace period, if allowed.

(40 C.F.R. Part 262 Subpart A-General)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty Or Matrix</u>	<u>Class</u>	<u>Grace period</u>	<u>Viol. Type</u>
§262.11	Failure of generator of solid waste to determine if waste is hazardous.	\$5,000	NM		HPV
§262.12(a)	Failure of generator to have EPA identification number before it treats, stores, transports, offers for transportation, or disposes of hazardous waste.	\$5,000	NM		HPV
§262.12(c)	Failure of generator to offer hazardous waste to a hazardous waste transporter or TSD facility that has received an EPA ID	\$5,000	NM		HPV

	number.				
(40 C.F.R. Part 262 Subpart B-The Manifest)					
<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty Or Matrix</u>	<u>Class</u>	<u>Grace period</u>	<u>Viol. Type</u>
§262.20(a)	Failure of generator to prepare a manifest before transporting or offering for transport hazardous waste off-site.	\$5,000	NM		HPV
§262.20(b)	Failure of generator to designate an authorized facility on the manifest.	\$5,000	NM		HPV
§262.20(d)	Failure of generator to designate alternate facility or accept waste back in the event the transporter cannot deliver the waste.	\$5,000	NM		HPV
§262.21(a)	Failure to use approved manifest forms from the Department for intrastate shipments of hazardous waste in New Jersey or for hazardous waste originating in another state destined for New Jersey.	\$300	M	30 days	SV
§262.21(b)	Failure to use approved manifest forms for hazardous waste originating in New Jersey and destined for another state.	\$300	M	30 days	SV
§262.23(a)(1)	Failure of generator to sign manifest.	\$3,000	NM		HPV

§262.23(a)(2)	Failure of generator to obtain signature of initial transporter and date of acceptance on the manifest.	\$3,000	NM		HPV
§262.23(a)(3)	Failure of generator to retain one copy of manifest or to forward one copy to state of origin or one to state of destination.	\$500	M	30 days	SV
§262.23(b)	Failure of generator to supply transporter with remaining copies of manifest.	\$3,000	NM		HPV
§262.23(c)	Failure of generator shipping hazardous waste within the U.S. solely by water to send 3 copies of manifest form signed and dated to owner or operator of designated facility or last water transporter in the United States.	\$3,000	NM		HPV
§262.23(d)	Failure of generator to send at least three copies of signed and dated manifest for rail shipments of hazardous waste within the United States to next non-rail transporter, designated facility, or last rail transporter in the United States.	\$3,000	NM		HPV
§262.23(f)	Failure of generator to assure that the Department and the Consignment State receive copies of manifests signed by the designated facility.	\$300	M	30 days	SV

(40 C.F.R. Part 262 Subpart C-Pre-Transport Requirements)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty Or Matrix</u>	<u>Class</u>	<u>Grace period</u>	<u>Viol. Type</u>
§262.30	Failure of generator to package hazardous waste in accordance with 49 C.F.R. Parts 173, 178, and 179.	\$3,000	NM		HPV
§262.31	Failure of generator to label each package of hazardous waste in accordance with 49 C.F.R. Part 172.	\$3,000	NM		HPV
§262.32(a)	Failure of generator to mark packages of hazardous waste in accordance with 49 C.F.R. Part 172.	\$3,000	NM		HPV
§262.32(b)	Failure of generator to mark each container of hazardous waste with the proper wording or to display the wording in accordance with 49 C.F.R. 172.304.	\$3,000	NM		HPV
§262.33	Failure of generator to placard or offer appropriate placard for a vehicle containing hazardous waste in accordance with 49 C.F.R. Part 172, Subpart F.	\$3,000	NM		HPV

§262.34(a)	Failure of generator to ship waste off site within 90 days.	\$3,000	NM		HPV
§262.34(a)(1)	Failure of generator to place waste in containers, in tanks, on drip pads, or in containment buildings in accordance with 40 C.F.R. § 262.34(a)(1).	\$3,000	NM		HPV
§262.34(a)(2)	Failure of generator to clearly mark container with date when accumulation period begins or to make mark visible for inspection.	\$3,000	NM		HPV
§262.34(a)(3)	Failure of generator to clearly mark each container or tank with the words “Hazardous Waste”.	\$3,000	NM		HPV
§262.34(b)	Failure of generator who accumulates waste for greater than 90 days to comply with all disposal facility requirements.	\$3,000	NM		HPV
§262.34(c)(1)	Failure of generator to ensure that the quantity of waste in each area is no more than 55 gallons of hazardous waste or no more than one quart of acutely hazardous waste or to have area at or near any point of generation where wastes initially accumulate in a process.	\$1,000	M	3 days	SV
§262.34(c)(1)(ii)	Failure of generator to mark containers with the words “HAZARDOUS WASTE” or other words which identify the contents	\$1,000	M	3 days	SV

	of the container.				
§262.34(c)(2)	Failure of generator accumulating waste in excess of the amounts listed in 40 C.F.R. §262.34(c)(1) to mark container holding the excess accumulation of hazardous waste with the date the excess amount began accumulating.	\$1,000	M	3 days	SV
§262.34(d)	Failure of generator of greater than 100 kg but less than 1000 kg of hazardous waste to ship waste off site within 180 days.	\$3,000	NM		HPV
§262.34(d)(1)	Failure of generator of greater than 100 kg but less than 1000 kg of hazardous waste to ensure quantity of waste never exceeds 6000 kg.	\$3,000	NM		HPV
§262.34(d)(5)	Failure of generator of greater than 100 kg but less than 1000 kg of hazardous waste to comply with emergency response requirements.	\$1,000	M	30 days	SV
§262.34(e)	Failure of generator of greater than 100 kg but less than 1000 kg of hazardous waste, who transports his waste over 200 miles, to ship waste off site within 270 days.	\$3,000	NM		HPV
§262.34(f)	Failure of generator of greater than 100 kg but less than 1000 kg of hazardous waste, who exceeds the accumulation quantity or period, to comply with the	\$3,000	NM		HPV

	disposal facility requirements.				
§262.34(g)	Failure of generator of 1000 kg or greater of hazardous waste to ship F006 hazardous waste off site within 180 days.	\$3,000	NM		HPV
§262.34(h)	Failure of generator of 1000 kg or greater of hazardous waste, who transports F006 hazardous waste over 200 miles, to ship the F006 hazardous waste off-site within 270 days.	\$3,000	NM		HPV
§262.34(i)	Failure of generator of 1000 kg or greater of hazardous waste, who exceeds the accumulation quantity or period for F006 hazardous waste, to comply with the disposal facility requirements.	\$5,000	NM		HPV

(40 C.F.R. Part 262 Subpart D-Recordkeeping and Reporting)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty Or Matrix</u>	<u>Class</u>	<u>Grace period</u>	<u>Viol. Type</u>
§262.40(a)	Failure of generator to keep copy of manifest for 3 years.	\$500	M	30 days	SV
§262.40(b)	Failure of generator to keep copy of hazardous waste report or exception report for 3 years.	\$500	M	30 days	SV
§262.40(c)	Failure of generator to keep records of any test results, waste analyses, or other determinations	\$1,000	M	30 days	SV

	for 3 years.				
§262.40(d)	Failure of generator to keep copy of required records during the course of unresolved enforcement action or as requested by the Department.	\$1,000	M	30 days	SV
§262.41(a)	Failure of generator to submit hazardous waste report of manifest activities by March 1.	\$500	M	30 days	SV
§262.41(b)	Failure of generator who treats, stores or disposes of hazardous waste on-site to submit hazardous waste report covering those wastes.	\$1,000	M	30 days	SV
§262.42(a)	Failure of generator of greater than 1000 kg of hazardous waste to comply with exception reporting requirements.	\$1,000	M	30 days	SV
§262.42(b)	Failure of generator of greater than 100 kg but less than 1000 kg of hazardous waste to comply with exception reporting requirements.	\$1,000	M	30 days	SV

(40 C.F.R. Part 262 Subpart E-Exports of Hazardous Waste)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty Or Matrix</u>	<u>Class</u>	<u>Grace period</u>	<u>Viol. Type</u>
	Failure of generator to comply		NM		

§262.52	with the receiving country's consent requirements or to obtain the EPA Acknowledgment of Consent prior to exporting hazardous waste.	\$5,000			HPV
§262.53(a)	Failure of generator to comply with the EPA notification requirements prior to offering hazardous waste for export.	\$5,000	NM		HPV
§262.54	Failure of generator exporting hazardous waste to comply with the special manifest requirements.	\$1,000	M	30 days	SV
§262.55	Failure of generator exporting hazardous waste to file an exception report.	\$1,000	M	30 days	SV
§262.56	Failure of generator exporting hazardous waste to comply with the annual reporting requirements.	\$1,000	M	30 days	SV
§262.57	Failure of generator exporting hazardous waste to comply with the record keeping requirements.	\$1,000	M	30 days	SV

(40 C.F.R. Part 262 Subpart F-Imports of Hazardous Waste)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty Or Matrix</u>	<u>Class</u>	<u>Grace period</u>	<u>Viol. Type</u>
§262.60	Failure of generator importing hazardous waste to comply with	Matrix	NM		HPV

	the special manifest requirements and 40 C.F.R. §262.				
(N.J.A.C. 7:26G-6)					
<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty Or Matrix</u>	<u>Class</u>	<u>Grace period</u>	<u>Viol. Type</u>
7:26G-6.1(c)4	Failure of generator to use a transporter who is properly registered.	Matrix	NM		HPV
7:26G-6.1(c)4	Failure of generator to use a transporter who is displaying a current registration number.	\$1000	M	30 days	SV
7:26G-6.1(c)5	Failure of generator to properly complete the manifest.	\$500	M	30 days	SV
7:26G-6.1(c)9	Failure of generator to assure that the Department and the Consignment State receive copies of manifests signed by the designated facility.	\$500	M	30 days	SV
7:26G-6.1(c)10	Failure of generator to properly mark each container of hazardous waste prior to transportation.	\$3,000	NM		HPV
7:26G-6.2	Failure of generator to use proper waste code(s) that accurately describe the shipment of hazardous waste, determined according to the waste hierarchy.	\$1,000	M	30 days	SV
7:26G-6.3(a)1	Failure of transporter to contact generator for instructions or of generator to give transporter	\$5,000	NM		HPV

	instructions when a facility immediately rejects all or part of a shipment of hazardous waste or the transporter is unable to deliver the hazardous waste to the designated facility.				
7:26G-6.3(a)1i	Failure of generator, transporter, or facility to comply with manifest requirements for shipments of hazardous waste returned to the generator.	\$1,000	M	30 days	SV
7:26G-6.3(a)1ii	Failure of generator, transporter, or facility to comply with manifest requirements for shipments of hazardous waste delivered to an alternate hazardous waste facility.	\$1,000	M	30 days	SV
7:26G-6.3(a)2	Failure of generator, transporter, or facility to comply with manifest requirements when a facility rejects all or part of a shipment of hazardous waste and the manifest has been distributed by the facility.	\$3,000	NM		HPV
7:26G-6.3(b)	Failure of transporter to accept a hazardous waste shipment when it is rejected by the designated facility and the waste was mixed or commingled by the transporter.	\$5,000	NM		HPV
7:26G-6.3(c)	Failure of transporter who accepts a return shipment of rejected waste under N.J.A.C 7:26G-6.3(b) to comply with the requirements of N.J.A.C 7:26G-6.3(c)1 and 2.	\$5,000	NM		HPV

The violations of N.J.A.C. 7:26G-7, Standards Applicable to Transporters of Hazardous Waste, and the civil administrative penalty amounts for each violation, are as set forth in the following table. Also set forth are the class of offense and any grace period, if allowed.

(40 C.F.R. Part 263 Subpart A-General)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty Or Matrix</u>	<u>Class</u>	<u>Grace period</u>	<u>Viol. Type</u>
§263.11	Failure of transporter transporting hazardous wastes to have EPA identification number.	\$5,000	NM		HPV

(40 C.F.R. Part 263 Subpart B-Compliance with the Manifest System and Recordkeeping)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty Or Matrix</u>	<u>Class</u>	<u>Grace period</u>	<u>Viol. Type</u>
§263.20(a)	Failure of transporter accepting hazardous waste from a generator to ensure it is accompanied by a manifest signed in accordance with the provisions of 40 C.F.R. 262.20.	\$500	M	30 days	SV
§263.20(b)	Failure of transporter to sign or date manifest or return a signed copy of manifest to generator before leaving generator's	\$1,000	M	30 days	SV

	property.				
§263.20(c)	Failure of transporter to ensure that manifest accompanies hazardous waste.	\$5,000	NM		HPV
§263.20(d)(1)	Failure of transporter to obtain date of delivery and handwritten signature of other transporter or of owner or operator of designated facility.	\$1,000	M	30 days	SV
§263.20(d)(3)	Failure of transporter to give remaining copies of manifest to the accepting transporter or designated facility.	\$3,000	NM		HPV
§263.20(f)(1)(i)	Failure of rail transporter accepting hazardous waste from non-rail transporter to sign or date manifest.	\$1,000	M	30 days	SV
§263.20(f)(1)(ii)	Failure of rail transporter accepting hazardous waste from non-rail transporter to return a signed copy of manifest to non-rail transporter.	\$500	M	30 days	SV
§263.20(f)(1)(iii)	Failure of rail transporter accepting hazardous waste from non-rail transporter to forward at least 3 copies of the manifest to next non-rail transporter, designated facility, or last rail transporter in United States.	\$500	M	30 days	SV
§263.20(f)(2)	Failure of rail transporter to ensure appropriate shipping paper accompanies hazardous waste at all times.	\$3,000	NM		HPV

§263.20(f)(3)(i)	Failure of rail transporter delivering hazardous waste to designated facility to obtain date of delivery or handwritten signature of owner or operator of designated facility.	\$1,000	M	30 days	SV
§263.20(f)(4)(i)	Failure of rail transporter delivering hazardous waste to non-rail transporter to obtain date of delivery or handwritten signature of non-rail transporter.	\$1,000	M	30 days	SV
§263.20(f)(5)	Failure of non-rail transporter accepting hazardous waste from rail transporter to sign or date manifest or to provide signed copy of manifest to rail transporter.	\$1,000	M	30 days	SV
§263.20(g)	Failure of transporter transporting waste out of U.S. to comply with requirements at 40 C.F.R. 262.20(g)(1)–(4).	\$3,000	NM		HPV
§263.21(a)	Failure of transporter to deliver entire quantity to designated facility, alternate designated facility, next designated transporter, or place outside U.S.	\$10,000	NM		HPV
§263.21(b)	Failure of transporter to contact generator for instructions or to revise manifest in case of undeliverable shipment.	\$5,000	NM		HPV
§263.22(a)	Failure of transporter to maintain signed copy of manifest for three years.	\$500	M	30 days	SV

§263.22(b)	Failure of water bulk shipment transporter to maintain copy of shipping paper for three years.	\$500	M	30 days	SV
§263.22(c)	Failure of rail transporter to maintain copy of manifest and shipping paper for three years.	\$500	M	30 days	SV
§263.22(d)	Failure of transporter to maintain copy of manifest indicating shipment left U.S. for three years.	\$500	M	30 days	SV
§263.22(e)	Failure of transporter to maintain copy of manifest during the course of unresolved enforcement action or as requested by the Department.	\$1,000	M	30 days	SV

(40 C.F.R. Part 262 Subpart C-Hazardous Waste Discharges)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty Or Matrix</u>	<u>Class</u>	<u>Grace period</u>	<u>Viol. Type</u>
§263.30(a)	Failure of transporter to take appropriate immediate action to protect human health and the environment from a discharge of hazardous waste during transportation.	Matrix	NM		HPV
§263.30(c)	Failure of transporter who has discharged hazardous waste to comply with State and Federal notice and report requirements.	\$5,000	NM		HPV

§263.31	Failure of transporter to clean up the discharge and take action as may be required or approved.	Matrix	NM		HPV
(N.J.A.C. 7:26G-7)					
<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty Or Matrix</u>	<u>Class</u>	<u>Grace period</u>	<u>Viol. Type</u>
7:26G-7.2(a)1	Failure of transporter to obtain hazardous waste transporter registration prior to operation.	\$10,000	NM		HPV
7:26G-7.2(a)5	Failure of transporter to renew registration prior to May 1 of each registration period.	\$3,000	NM		HPV
7:26G-7.2(a)7	Failure of transporter to notify Department of change of information on registration.	\$3,000	NM		HPV
7:26G-7.2(a)14	Failure of transporter, acting as a prime contractor or subcontractor, to obtain a registration prior to transporting hazardous waste.	\$10,000	NM		HPV
7:26G-7.2(a)15	Failure of transporter to obtain a registration prior to transporting, storing, collecting, processing, transferring, treating or disposing of hazardous waste in a vehicle registered to another person.	\$10,000	NM		HPV
7:26G-7.2(b)1	Failure of transporter to ensure each and every device used for the transportation of hazardous waste is registered with the Department.	\$3,000	NM		HPV

7:26G-7.2(b)2	Failure of transporter to prevent registered vehicle from being used by another transporter.	\$5,000	NM		HPV
7:26G-7.2(b)4	Transporter engaged in transportation of hazardous waste during period when decals and registration are withheld pursuant to 7:26G-7.2(b).	\$10,000	NM		HPV
7:26G-7.2(b)6	Failure of transporter to properly display registration decal or to have copy of lease and lease certification available for inspection.	\$1,000	M	30 days	SV
7:26G-7.3(a)1	Failure of transporter to comply with the Hazardous Materials Transportation Regulations at 49 C.F.R. Parts 171 – 180.	See Appendix A			
7:26G-7.3(a)2	Failure of transporter to comply with the Motor Carrier Safety Regulations at 49 C.F.R. Parts 390 – 397.	See Appendix A			
7:26G-7.3(b)	Failure to allow the Department to enter and inspect any vehicle transporting hazardous waste.	\$3,000	NM		HPV
7:26G-7.4(a)	Failure of hazardous waste transfer facility to be operated by a licensed hazardous waste transporter who owns or leases the property.	\$10,000	NM		HPV
7:26G-7.4(b)	Failure to conduct storage, consolidation, or commingling only at a hazardous waste	\$5,000	NM		HPV

	transfer facility or authorized hazardous waste facility.				
7:26G-7.4(c)	Failure of owner or operator of a hazardous waste transfer facility to comply with notification requirements prior to operating.	\$1,000	M	30 days	SV
7:26G-7.4(d)	Failure of owner or operator of a hazardous waste transfer facility to maintain written log(s).	\$3,000	NM		HPV
7:26G-7.4(e)	Failure of transporter utilizing a hazardous waste transfer facility to enter the necessary information on the log(s).	\$1,000	M	30 days	SV
7:26G-7.4(f)2	Transporter stored or consolidated closed containers at a hazardous waste transfer facility that was located at the facility indicated as the designated facility on the manifest.	\$3,000	NM		HPV
7:26G-7.4(f)3	Failure of transporter who stores or consolidates closed containers at a hazardous waste transfer facility to use containers meeting applicable USDOT packaging regulations in 49 C.F.R. Parts 171 – 180.	\$5,000	NM		HPV
7:26G-7.4(f)4	Failure of transporter who stores or consolidates closed containers at a hazardous waste transfer facility to maintain the containers in good condition.	\$3,000	NM		HPV

7:26G-7.4(f)5	Failure of transporter who stores or consolidates closed containers at a hazardous waste transfer facility to comply with the hazardous materials segregation criteria.	Matrix	NM		HPV
7:26G-7.4(f)6	Failure of transporter who stores or consolidates containers at a hazardous waste transfer facility to keep containers of hazardous waste closed.	\$1,000	M	1 hour	SV
7:26G-7.4(f)7	Failure of transporter who stores or consolidates closed containers at a hazardous waste transfer facility to remove the newly consolidated waste loads at or prior to the 10-day limit.	\$3,000	NM		HPV
7:26G-7.4(g)2	Transporter commingled hazardous waste at a hazardous waste transfer facility that was located at the facility indicated as the designated facility on the manifest.	\$3,000	NM		HPV
7:26G-7.4(g)3	Failure of transporter to commingle hazardous waste between containers meeting applicable USDOT packaging regulations in 49 C.F.R. Parts 107, 171 – 180.	\$5,000	NM		HPV
7:26G-7.4(g)4	Failure of transporter to only commingle hazardous waste that is designated on the generators' manifests for receipt by the same designated facility.	\$5,000	NM		HPV

7:26G-7.4(g)5	Failure of transporter who commingles hazardous waste at a hazardous waste transfer facility to amend the generators' manifests to reflect the commingling of hazardous waste.	\$5,000	NM		HPV
7:26G-7.4(g)6	Failure of transporter who commingles hazardous waste at a hazardous waste transfer facility to remove the newly commingled waste load at or prior to the 10-day limit.	\$3,000	NM		HPV
7:26G-7.4(h)2	Transporter consolidated hazardous waste at a hazardous waste transfer facility that was located at the facility indicated as the designated facility on the manifest.	\$3,000	NM		HPV
7:26G-7.4(h)3	Failure of transporter who consolidates hazardous waste at a hazardous waste transfer facility to only consolidate liquids.	\$3,000	NM		HPV
7:26G-7.4(h)4	Failure of transporter who consolidates hazardous waste at a hazardous waste transfer facility to transfer only one container at a time.	\$3,000	NM		HPV
7:26G-7.4(h)5	Failure of transporter who consolidates hazardous waste at a hazardous waste transfer facility to store the hazardous waste in closed containers that meet the USDOT packaging regulations in 49 C.F.R. Parts 171 through 180.	\$5,000	NM		HPV

7:26G-7.4(h)6	Failure of transporter who consolidates hazardous waste at a hazardous waste transfer facility to store the hazardous waste in compliance with the hazardous materials segregation criteria at 49 C.F.R. Parts 177.848 or 174.81.	Matrix	NM		HPV
7:26G-7.4(h)7	Failure of transporter who consolidates hazardous waste at a hazardous waste transfer facility to ensure that the cumulative capacity of the containers receiving the waste are sufficient to containerize all the waste involved in the transfer.	Matrix	NM		HPV
7:26G-7.4(h)8	Failure of transporter who consolidates hazardous waste at a hazardous waste transfer facility to remove the waste prior to reaching the 10-day limit.	\$3,000	NM		HPV
7:26G-7.4(i)	Transporter commingled hazardous wastes of different USDOT shipping descriptions.	Matrix	NM		HPV

The violations of N.J.A.C.7:26G-8, Standards Applicable to Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities, and the civil administrative penalty amounts for each violation, are as set forth in the following table. Also set forth are the class of offense and any grace period, if allowed.

(40 C.F.R. Part 264 Subpart B-General Facility Standards)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty Or Matrix</u>	<u>Class</u>	<u>Grace period</u>	<u>Viol. Type</u>
§264.11	Failure of facility owner or operator to obtain EPA identification number.	\$5,000	NM		HPV
§264.12(a)	Failure of facility owner or operator importing hazardous waste from a foreign country to notify EPA at least 4 weeks in advance of expected delivery.	\$1,000	M	30 days	SV
§264.12(b)	Failure of facility owner or operator to inform generator in writing that he has the appropriate permit(s) for the waste the generator is shipping or to keep copy of notice in operating record.	\$1,000	M	30 days	SV
§264.12(c)	Failure of facility owner or operator when transferring operation of the facility to inform the new owner or operator of the requirements of §§ 40 CFR 264 and 270.	\$1,000	M	30 days	SV
§264.13(a)1	Failure of facility owner or operator to obtain detailed chemical analysis of representative sample before treating, storing, or disposing of any hazardous waste.	\$5,000	NM		HPV
§264.13(a)(3)	Failure of facility owner or operator to repeat analysis as necessary to ensure that it is accurate and up to date.	\$1,000	M	30 days	SV

§264.13(a)(4)	Failure of owner or operator of an off-site facility to inspect or analyze each hazardous waste shipment received to determine if it matches the identity specified on the manifest or shipping paper.	\$3,000	NM		HPV
§264.13(b)	Failure of facility owner or operator to develop or follow a written waste analysis plan.	\$5,000	NM		HPV
§264.14(a)	Failure of facility owner or operator to prevent the unknowing entry and minimize the possibility for the unauthorized entry onto the facility.	\$3,000	NM		HPV
§264.14(b)	Failure of facility owner or operator to have adequate surveillance system or adequate artificial or natural barrier and a means to control entry at all times.	\$3,000	NM		HPV
§264.14(c)	Failure of facility owner or operator to post signs meeting each requirement of 40 C.F.R. § 264.14(c).	\$500	M	30 days	SV
§264.15(a)	Failure of facility owner or operator to inspect for malfunctions and deterioration, operator errors, or discharges.	\$5000	NM		HPV
§264.15(b)	Failure of facility owner or operator to develop or follow written schedule for inspecting monitoring, safety, emergency, security equipment, etc., to keep schedule on site, or to identify	\$1,000	M	30 days	SV

	problems.				
§264.15(c)	Failure of facility owner or operator to remedy any deterioration or malfunction immediately or on an appropriate schedule.	\$5,000	NM		HPV
§264.15(d)	Failure of facility owner or operator to record inspections in log or to retain required information for 3 years.	\$500	M	30 days	SV
§264.16(a)(1)	Failure of facility owner or operator to provide required classroom or on-the-job training for facility personnel.	\$3,000	NM		HPV
§264.16(a)(2)	Failure of facility owner or operator to provide a training program that is directed by a person trained in hazardous waste management procedures.	\$3,000	NM		HPV
§264.16(a)(3)	Failure of facility owner or operator to provide, at a minimum, a training program which is designed to ensure that facility personnel are able to respond effectively to emergencies.	\$3,000	NM		HPV
§264.16(b)	Failure of facility personnel to successfully complete the training program required in 264.16(a) within 6 months.	\$1,000	M	30 days	SV
§264.16(c)	Failure of facility personnel to take part in an annual review of the initial training required in 49	\$500	M	30 days	SV

	CFR 264.16(a).				
§264.16(d)	Failure of facility owner or operator to maintain training records at the facility.	\$500	M	30 days	SV
§264.16(e)	Failure of facility owner or operator to keep training records until closure.	\$500	M	30 days	SV
§264.17(a)	Failure of facility owner or operator to keep ignitable or reactive waste separated and protected from sources of ignition or reaction, to confine smoking or open flame to specially designated locations while handling ignitable or reactive waste, or to conspicuously place “No Smoking” signs wherever there is a hazard from ignitable or reactive waste.	\$3,000	NM		HPV
§264.17(b)	Failure of facility owner or operator that treats, stores, or disposes of ignitable, reactive, or mixtures of incompatible wastes to take precautions to prevent reactions.	\$3,000	NM		HPV

(40 C.F.R. Part 264 Subpart C-Preparedness and Prevention)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty Or Matrix</u>	<u>Class</u>	<u>Grace period</u>	<u>Viol. Type</u>
§264.31	Failure of facility owner or	\$5,000	NM		

	operator to maintain or operate facility to minimize possibilities of fire, explosion or releases of hazardous waste or hazardous waste constituents.				HPV
§264.32	Failure of facility owner or operator to equip facility with emergency equipment.	\$3,000	NM		HPV
§264.33	Failure of facility owner or operator to test and maintain emergency equipment.	\$1,000	M	30 days	SV
§264.34	Failure of facility owner or operator to maintain access to communications or alarm system.	\$1,000	M	30 days	SV
§264.35	Failure of facility owner or operator to maintain sufficient aisle space for the unobstructed movement of personnel or equipment in an emergency.	\$1,000	M	30 days	SV
§264.37	Failure of facility owner or operator to make required arrangements with police or fire departments, emergency response contractors, equipment suppliers, or local hospitals, or to document any such authority's refusal of such arrangements.	\$3,000	NM		HPV
(40 C.F.R. Part 264 Subpart D-Contingency Plan and Emergency Procedures)					
<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty</u>	<u>Class</u>	<u>Grace period</u>	<u>Viol. Type</u>

		Or Matrix			
§264.51(a)	Failure of facility owner or operator to have contingency plan designed to minimize hazards to human health and the environment.	\$5,000	NM		HPV
§264.51(b)	Failure of facility owner or operator to carry out provisions of the plan immediately if there is a fire, explosion, or release.	Matrix	NM		HPV
§264.52(a)	Failure of contingency plan to describe actions to be taken in response to fires, explosions, or releases.	\$1,000	M	30 days	SV
§264.52(b)	Failure of facility owner or operator to amend its SPCC (40 C.F.R. Part 112 or Part 1510 of chapter V) or DPCC (N.J.A.C. 7:1E) plan to incorporate hazardous waste management provisions.	\$1,000	M	30 days	SV
§264.52(c)	Failure of contingency plan to describe arrangements agreed to by local police or fire departments, hospitals, contractors, or State or local emergency response teams.	\$500	M	30 days	SV
§264.52(d)	Failure of contingency plan to list name, addresses, or phone numbers of persons qualified to act as emergency coordinator.	\$500	M	30 days	SV
§264.52(e)	Failure of contingency plan to list emergency equipment, updated as		M	30 days	

	required, with its location, description, or capabilities specified.	\$500			SV
§264.52(f)	Failure of contingency plan to include evacuation procedure for personnel including signals, evacuation routes or alternate evacuation routes.	\$500	M	30 days	SV
§264.53	Failure of contingency plan to be maintained at facility with a copy sent to local police or fire departments, hospitals, or State or local emergency response teams.	\$500	M	30 days	SV
§264.54	Failure of facility owner or operator to review or amend contingency plan as necessary.	\$500	M	30 days	SV
§264.55	Failure of emergency coordinator to be thoroughly familiar with plan or available at all times.	\$3,000	NM		HPV
§264.56(a)-(b)	Failure of emergency coordinator to identify character, source, amount or areal extent of discharged materials, or to activate alarms or communications systems, or to notify appropriate State or local agencies if necessary.	Matrix	NM		HPV
§264.56(c)	Failure of emergency coordinator to assess possible hazards to human health and the environment.	Matrix	NM		HPV
§264.56(d)	Failure of emergency coordinator	Matrix	NM		

	to immediately notify appropriate emergency response agency of situation threatening health and the environment.				HPV
§264.56(e)	Failure of emergency coordinator to take reasonable measures to ensure hazards are minimized.	Matrix	NM		HPV
§264.56(f)	Failure of emergency coordinator to monitor leaks, pressure buildup, gas generation, or ruptures, if the facility stopped operating due to fire, explosion, or discharge.	Matrix	NM		HPV
§264.56(g)	Failure of emergency coordinator to provide for treating, storing, or disposing of recovered waste, contaminated soil or surface water, or other material.	Matrix	NM		HPV
§264.56(h)	Failure of emergency coordinator to ensure that in affected area of facility no incompatible waste is treated, stored, or disposed of until cleanup procedures are complete or to ensure that emergency equipment is cleaned and fit for intended use before operations are resumed.	Matrix	NM		HPV
§264.56(i)	Failure of facility owner or operator to notify Department and local authorities that facility is in compliance before operations are resumed.	\$500	M	30 days	SV
§264.56(j)	Failure of facility owner or operator to submit written report	\$500	M	30 days	

	to Department within 15 days after an incident.				SV
(40 C.F.R. Part 264 Subpart E-Manifest System, Recordkeeping, and Reporting)					
<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty Or Matrix</u>	<u>Class</u>	<u>Grace period</u>	<u>Viol. Type</u>
§264.71(a)(1)	Failure of facility owner or operator to sign or date manifest.	\$3,000	NM		HPV
§264.71(a)(2)	Failure of facility owner or operator to note any significant discrepancies in the manifest on each copy of the manifest.	\$500	M	30 days	SV
§264.71(a)(3)	Failure of facility owner or operator to give transporter a copy of manifest or forward one copy to the Department.	\$500	M	30 days	SV
§264.71(a)(4)	Failure of facility owner or operator to send copy of manifest to generator within 30 days after delivery of hazardous waste.	\$500	M	30 days	SV
§264.71(a)(5)	Failure of facility owner or operator to retain copy of manifest for 3 years.	\$500	M	30 days	SV
§264.71(b)(1)	Failure of facility owner or operator receiving hazardous waste from rail or water (bulk shipment) transporter to sign or	\$3,000	NM		HPV

	date manifest or shipping paper.				
§264.71(b)(2)	Failure of facility owner or operator receiving hazardous waste from rail or water (bulk shipment) transporter to note any significant discrepancies in manifest or shipping paper on each copy of manifest or shipping paper.	\$500	M	30 days	SV
§264.71(b)(3)	Failure of facility owner or operator receiving hazardous waste from rail or water (bulk shipment) transporter to give transporter a copy of manifest or shipping paper or to forward one copy to the Department.	\$500	M	30 days	SV
§264.71(b)(4)	Failure of facility owner or operator receiving hazardous waste from rail or water (bulk shipment) transporter to send copy of manifest or shipping paper to generator within 30 days after delivery.	\$500	M	30 days	SV
§264.71(b)(5)	Failure of facility owner or operator receiving hazardous waste from rail or water (bulk shipment) transporter to retain copy of manifest for 3 years.	\$500	M	30 days	SV
§264.72(b)	Failure of facility operator to reconcile a significant manifest discrepancy with the generator or transporter within 15 days of receipt or to report the unresolved discrepancy to the Department immediately thereafter.	\$1,000	M	30 days	SV

264.73	Failure of facility owner or operator to keep written operating records meeting each requirement of 40 C.F.R. § 264.73.	\$3,000	NM		HPV
§264.74(a)	Failure of facility owner or operator to furnish upon request, or make available for inspection, any record.	\$5,000	NM		HPV
§264.74(b)	Failure of facility owner or operator to keep any record during course of any unresolved enforcement action or as requested by the Department.	\$3,000	NM		HPV
§264.74(c)	Failure of facility owner or operator to submit copy of waste disposal locations or quantities to Department or local land authority upon closure of facility.	\$5,000	NM		HPV
§264.75	Failure of facility owner or operator to prepare or submit a copy of the hazardous waste report to Department by March 1 of each even numbered year.	\$1,000	M	30 days	SV
§264.76	Failure of a facility owner or operator receiving unmanifested waste to submit an 'Unmanifested Waste Report' within 15 days.	\$5,000	NM		HPV

(40 C.F.R. Part 264 Subpart F-Releases From Solid Waste Management Units)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty</u>	<u>Class</u>	<u>Grace period</u>	<u>Viol. Type</u>
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		<u>Or Matrix</u>			
§264.92	Failure of facility owner or operator to comply with permit conditions designed to protect ground water.	Matrix	NM		HPV
§264.95	Failure of facility owner or operator to conduct monitoring at the point of compliance as specified in the facility permit.	Matrix	NM		HPV
§264.96	Failure of facility owner or operator to maintain a compliance-monitoring program for the life of the compliance period as specified in the facility permit.	Matrix	NM		HPV
§264.97	Failure of facility owner or operator to provide facility with ground water monitoring system in accordance with 40 C.F.R. § 264.97.	\$10,000	NM		HPV
§264.98	Failure of facility owner or operator to establish a detection monitoring program in conformance with 40 C.F.R. § 264.98.	Matrix	NM		HPV
§264.99	Failure of facility owner or operator to maintain a compliance monitoring program in conformance with 40 C.F.R. § 264.99.	Matrix	NM		HPV
§264.100	Failure of facility owner or operator to establish a corrective action program in conformance with 40 C.F.R. § 264.100.	Matrix	NM		HPV

(40 C.F.R. Part 264 Subpart G-Closure and Post-Closure)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty Or Matrix</u>	<u>Class</u>	<u>Grace period</u>	<u>Viol. Type</u>
§264.111	Failure of facility owner or operator to close in a manner that minimizes further maintenance and controls, minimizes, or eliminates post-closure escape of hazardous waste.	Matrix	NM		HPV
§264.112(a)	Failure of facility owner or operator to have written closure plan.	\$5,000	NM		HPV
§264.112(b)	Failure of facility owner or operator to include in the closure plan all steps necessary to perform a partial and/or final closure of the facility.	\$1,000	M	30 days	SV
§264.112(c)	Failure of facility owner or operator to amend or request modification of closure plan before change.	\$1,000	M	30 days	SV
§264.112(d)	Failure of facility owner or operator to notify Department prior to commencement of closure.	\$3,000	NM		HPV

§264.113(a)	Failure of facility owner or operator to treat, remove, or dispose of waste within 90 days after final volume of wastes received in accordance with approved closure plan.	\$3,000	NM		HPV
§264.113(b)	Failure of facility owner or operator to complete closure within 180 days after final volume of wastes received in accordance with approved closure plan.	\$3,000	NM		HPV
§264.114	Failure of facility owner or operator to properly dispose of or decontaminate all contaminated equipment, structures, or soils.	\$5,000	NM		HPV
§264.115	Failure of facility owner or operator, when closure completed, to submit its own certification and that of an independent registered professional engineer to the Department.	\$3,000	NM		HPV
§264.116	Failure of facility owner or operator, within 60 days after closure, to submit to local authorities and Department detailed information on site.	\$1,000	M	30 days	SV
§264.117(a)	Failure of facility owner or operator to continue proper post-closure care for 30 years and to comply with 40 C.F.R. § 264.117(a)(1)-(2).	Matrix	NM		HPV

§264.117(c)	Failure of facility owner or operator to ensure that post-closure activity does not disturb final cover, liner(s), or containment or monitoring system.	\$3,000	NM		HPV
§264.117(d)	Failure of facility owner or operator to perform post-closure care activities in accordance with post-closure plan.	\$5,000	NM		HPV
§264.118(a)	Failure of facility owner or operator to have written post-closure plan.	\$5,000	NM		HPV
§264.118(b)	Failure of facility owner or operator to include in post-closure plan all activities that will be carried on after closure of each disposal unit and the frequency of these activities.	\$1,000	M	30 days	SV
§264.118(c)	Failure of facility owner or operator to furnish the most current copy of post-closure plan to the Department upon request or to keep a copy of the post-closure plan with the person or office specified in 40 C.F.R. § 264.118(b)(3) during the post-closure period.	\$1,000	M	30 days	SV
§264.118(d)	Failure of facility owner or operator to amend or request modification of post-closure plan when necessary.	\$1,000	M	30 days	SV

§264.119(a)	Failure of facility owner or operator to inform the local zoning officer and the Department of the type, location and amount of waste in each disposal unit within 60 days of receiving a certification of closure for that unit.	\$1,000	M	30 days	SV
§264.119(b)	Failure of facility owner or operator to comply with requirements for notice in deed to property.	\$1,000	M	30 days	SV
§264.120	Failure of facility owner or operator to certify that post-closure activities have been conducted according to the post-closure plan within 60 days of completion of the established post-closure care period.	\$1,000	M	30 days	SV

(40 C.F.R. Part 264 Subpart H-Financial Requirements)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty Or Matrix</u>	<u>Class</u>	<u>Grace period</u>	<u>Viol. Type</u>
§264.142(a)	Failure of facility owner or operator to have a written estimate of the cost of closing facility.	\$3,000	NM		HPV
§264.142(b)	Failure of facility owner or operator to adjust closure cost estimate for inflation according to	\$1,000	M	30 days	SV

	regulatory time frames.				
§264.142(c)	Failure of facility owner or operator to revise the closure cost estimate whenever a change in the closure plan increases the cost of closure.	\$1,000	M	30 days	SV
§264.142(d)	Failure of facility owner or operator to keep the latest closure cost estimate and adjusted closure cost estimate at the facility.	\$1,000	M	30 days	SV
§264.143	Failure of facility owner or operator to establish financial assurance for closure of facility.	Matrix	NM		HPV
§264.144(a)	Failure of facility owner or operator to have a written estimate of the cost of post-closure care.	\$3,000	NM		HPV
§264.144(b)	Failure of facility owner or operator to adjust cost estimate of post-closure care for inflation according to regulatory time frames.	\$1,000	M	30 days	SV
§264.144(c)	Failure of facility owner or operator to revise the post-closure care cost estimate whenever a change in the post-closure plan increases the cost of post-closure care.	\$1,000	M	30 days	SV
§264.144(d)	Failure of facility owner or operator to keep the latest post-closure care cost estimate at the facility.	\$1,000	M	30 days	SV

§264.145	Failure of facility owner or operator to establish financial assurance for post-closure care of facility.	Matrix	NM		HPV
§264.147(a)	Failure of facility owner or operator to meet liability requirements for sudden accidental occurrences.	Matrix	NM		HPV
§264.147(b)	Failure of facility owner or operator to meet the liability requirements for nonsudden occurrences.	Matrix	NM		HPV
§264.148(a)	Failure of facility owner or operator or guarantor to notify Department of commencement of proceeding under Title 11 of the Bankruptcy Code.	\$1,000	M	30 days	SV
§264.148(b)	Failure of facility owner or operator to establish other financial assurance or liability coverage within 60 days after bankruptcy, suspension, or revocation.	Matrix	NM		HPV

(40 C.F.R. Part 264 Subpart I-Use and Management of Containers)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty Or Matrix</u>	<u>Class</u>	<u>Grace period</u>	<u>Viol. Type</u>
§264.171	Failure of facility owner of operator to handle hazardous waste in containers of good	\$3,000	NM		HPV

	condition.				
§264.172	Failure of facility owner or operator to use container compatible with hazardous waste stored.	\$3,000	NM		HPV
§264.173	Failure of facility owner or operator to comply with the requirements for the management of containers.	\$1,000	M	30 days	SV
§264.174	Failure of facility owner or operator to perform inspection of each area where containers are stored.	\$1,000	M	30 days	SV
§264.175(b)(1)	Failure of container storage area to have an underlying base free of cracks or gaps and sufficiently impervious to contain leak, spills and accumulated precipitation until collected material is detected and removed.	\$1,000	M	30 days	SV
§264.175(b)(2)	Failure of container storage area to be sloped or designed and operated to drain and remove liquids, unless containers are protected from contact with accumulated liquids.	\$1,000	M	30 days	SV
§264.175(b)(3)	Failure of container storage area to have capacity to contain 10 percent of volume of all containers or volume of largest container, whichever is greater.	\$1,000	M	30 days	SV

§264.175(b)(4)	Failure of container storage area to be protected from run-on, unless in compliance with exceptions at 40 C.F.R. § 264.175(b)(4).	\$1,000	M	30 days	SV
§264.175(b)(5)	Failure of facility owner or operator to remove spilled or leaked waste or accumulated precipitation from sump or collection area in a timely manner to prevent overflow.	\$3,000	NM		HPV
§264.176	Failure of facility owner or operator to store containers holding ignitable or reactive wastes at least 50 feet from property line.	\$3,000	NM		HPV
§264.177	Failure of facility owner or operator to comply with each of the special requirements for incompatible wastes.	\$3,000	NM		HPV
§264.178	Failure of facility owner or operator to remove all hazardous wastes and residues from containment system at closure or to remove or decontaminate remaining containers, liners, bases, and soil containing or contaminated with hazardous waste.	Matrix	NM		HPV
§264.179	Failure of facility owner or operator to comply with 40 C.F.R. § 264, Subparts AA, BB, and CC.	\$1,000	M	30 days	SV

(40 C.F.R. Part 264 Subpart J-Tank Systems)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty Or Matrix</u>	<u>Class</u>	<u>Grace period</u>	<u>Viol. Type</u>
§264.191(a)	Failure of facility owner or operator to obtain and keep a written assessment by a professional engineer attesting to existing tank system's integrity.	\$5,000	NM		HPV
§264.191(b)	Failure of written assessment to comply with the requirements at 40 C.F.R. § 264.191(b).	\$5,000	NM		HPV
§264.191(c)	Failure of facility owner or operator to assess the integrity of a tank within 12 months of a material becoming a hazardous waste.	\$5,000	NM		HPV
§264.192(b)	Failure of facility owner or operator to have a new tank inspected by a qualified installation inspector or engineer prior to covering, enclosing, or placing in use.	\$5,000	NM		HPV
§264.192(c)	Failure of facility owner or operator of a new tank system or components to use appropriate backfill material.	\$3,000	NM		HPV

§264.192(d)	Failure of facility owner or operator to have a new tank and ancillary equipment tested for tightness prior to covering, enclosing, or placing in use.	\$5,000	NM		HPV
§264.192(e)	Failure of facility owner or operator to have ancillary equipment supported and protected from settlement, vibration, expansion, or contraction.	\$3,000	NM		HPV
§264.192(f)	Failure of facility owner or operator to provide proper corrosion protection for new tank systems.	\$5,000	NM		HPV
§264.192(g)	Failure of facility owner or operator to obtain and keep on record certifications from those professionals responsible for tank system design and installation.	\$1,000	M	30 days	SV
§264.193(a)	Failure of facility owner or operator to install secondary containment for hazardous waste tanks within the time frames outlined in 40 C.F.R. § 264.193(a).	\$3,000	NM		HPV
§264.193(b)(1)	Failure of secondary containment system to be designed, installed, and operated to prevent migration of wastes or accumulated liquid out of the system.	\$3,000	NM		HPV

§264.193(b)(2)	Failure of secondary containment system to detect and collect releases and accumulated liquids.	\$3,000	NM		HPV
§264.193(c)(1)	Failure of containment system to consist of material compatible with wastes stored or to have sufficient strength and thickness.	\$3,000	NM		HPV
§264.193(c)(2)	Failure of facility owner or operator to construct secondary containment unit on a base or foundation capable of providing support and resistance to pressure gradients.	\$3,000	NM		HPV
§264.193(c)(3)	Failure of facility owner or operator to construct secondary containment with a leak detection system that is designed and operated to detect the failure of containment structure(s) or the presence of a release.	\$3,000	NM		HPV
§264.193(c)(4)	Failure of facility owner or operator to remove accumulated precipitation or spilled or leaked waste from secondary containment within 24 hours.	\$3,000	NM		HPV
§264.193(d)	Failure of facility owner or operator to provide secondary containment featuring an approved device.	\$3,000	NM		HPV
§264.193(e)(1)	Failure of external liner system to meet requirements at 40 C.F.R. § 264.193(e)(1).	\$3,000	NM		HPV

§264.193(e)(2)	Failure of vault system to meet requirements at 40 C.F.R. § 264.193(e)(2).	\$3,000	NM		HPV
§264.193(e)(3)	Failure of double-walled tank to meet requirements at 40 C.F.R. § 264.193(e)(3).	\$3,000	NM		HPV
§264.193(f)	Failure of facility owner or operator to provide secondary containment for ancillary equipment.	\$3,000	NM		HPV
§264.194(a)	Failure of facility owner or operator to prevent hazardous wastes or treatment reagents from being placed in tank if they can cause the tank, its ancillary equipment, or containment system to rupture, leak, corrode, or otherwise fail.	\$5,000	NM		HPV
§264.194(b)	Failure of facility owner or operator to use appropriate controls and practices to prevent spills and overflows from tanks or containment systems.	\$5,000	NM		HPV
§264.195(a)	Failure of facility owner or operator to develop and follow a schedule and procedure for inspecting overfill controls.	\$1,000	M	30 days	SV
§264.195(b)(1)	Failure of facility owner or operator to inspect aboveground portions of a tank system for corrosion or releases of waste each operating day.	\$1,000	M	30 days	SV

§264.195(b)(2)	Failure of facility owner or operator to inspect data gathered from monitoring and leak detection equipment each operating day.	\$1,000	M	30 days	SV
§264.195(b)(3)	Failure of facility owner or operator to inspect construction materials and area immediately surrounding tank system or secondary system for erosion or signs of releases.	\$1,000	M	30 days	SV
§264.195(c)	Failure of facility owner or operator to inspect cathodic protection systems.	\$1,000	M	30 days	SV
§264.195(d)	Failure of facility owner or operator to document inspections in facility operating record.	\$1,000	M	30 days	SV
§264.196(a)	Failure of facility owner or operator to cease using a tank from which a release occurred or which is unfit for use.	Matrix	NM		HPV
§264.196(b)	Failure of facility owner or operator to remove waste from a tank in which a release occurred within 24 hours in order to affect repairs on the unit.	Matrix	NM		HPV
§264.196(c)	Failure of facility owner or operator to prevent further migration of a release to soils or water or to remove and dispose of any visible contamination of soil or water.	Matrix	NM		HPV
§264.196(d)	Failure of facility owner or	\$1,000	M	30 days	

	operator to report a release within 24 hours or to submit a spill report within 30 days.				SV
§264.196(e)	Failure of facility owner or operator to comply with 40 C.F.R. § 264.196(e)(2)-(4) prior to placing a tank back in service following a release.	\$3,000	NM		HPV
§264.196(f)	Failure of facility owner or operator to obtain a professional engineer's certification prior to placing a tank back in service following a major repair.	\$3,000	NM		HPV
§264.197(a)	Failure of facility owner or operator at closure to remove or decontaminate all waste residues, contaminated containment system components, contaminated soils, structures, etc.	\$5,000	NM		HPV
§264.197(c)	Failure of facility owner or operator that has a tank system without secondary containment to comply with requirements at 40 C.F.R. § 264.197(c).	\$3,000	NM		HPV
§264.198(a)	Failure of facility owner or operator to meet specific requirements before placing ignitable or reactive waste in a tank.	\$5,000	NM		HPV
§264.198(b)	Failure of facility owner or operator storing or treating ignitable or reactive wastes in tanks to comply with NFPA's buffer zone requirements for	\$3,000	NM		HPV

	tanks.				
§264.199(a)	Failure of facility owner or operator to prevent the placing of incompatible wastes, or wastes and materials, in the same tank, except in compliance with 40 C.F.R. § 264.17(b).	\$5,000	NM		HPV
§264.199(b)	Failure of facility owner or operator to prevent the placing of hazardous waste in a tank which was not decontaminated and previously held incompatible waste, except in compliance with 40 C.F.R. § 264.17(b).	\$5,000	NM		HPV
§264.200	Failure of facility owner or operator to comply with 40 C.F.R. § 264, Subparts AA, BB, and CC.	\$1,000	M	30 days	SV

(40 C.F.R. Part 264 Subpart K-Surface Impoundments)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty Or Matrix</u>	<u>Class</u>	<u>Grace period</u>	<u>Viol. Type</u>
§264.221(a)	Failure of surface impoundment to have liner designed, constructed, and installed to prevent migration of waste during active life of impoundment.	Matrix	NM		HPV
§264.221(a)(1)	Failure of liner to have properties that prevent failure due to pressure gradients, contact with waste, climatic	Matrix	NM		HPV

	conditions, and stress of installation and operation.				
§264.221(a)(2)	Failure of facility owner or operator to place lower liner on foundation capable of providing support.	Matrix	NM		HPV
§264.221(a)(3)	Failure of surface impoundment to have the liner installed to cover all surrounding earth likely to be in contact with the waste or leachate.	Matrix	NM		HPV
§264.221(c)(1)(i)(A)	Failure of top liner to be designed and constructed to prevent migration of hazardous constituents into liner during active life and post closure care period.	Matrix	NM		HPV
§264.221(c)(1)(i)(B)	Failure of bottom liner to consist of at least three feet of soil of specified hydraulic conductivity.	\$5,000	NM		HPV
§264.221(c)(2)	Failure of surface impoundment to have leachate collection system between liners.	\$10,000	NM		HPV
§264.221(c)(4)	Failure of facility owner or operator to demonstrate that the seasonal high water table will not adversely affect the leak detection system.	\$10,000	NM		HPV
§264.223	Failure of facility owner or operator that stores hazardous waste in a surface impoundment to have an approved response action plan.	\$5,000	NM		HPV

§264.226(a)	Failure to comply with inspection requirements for surface impoundment during and immediately after construction.	\$1,000	M	30 days	SV
§264.226(b)	Failure to comply with inspection requirements during operation of surface impoundment.	\$1,000	M	30 days	SV
§264.226(c)	Failure of facility owner or operator who stores hazardous waste in a surface impoundment to obtain a professional engineer's certification that the dike has structural integrity.	\$5,000	NM		HPV
§264.226(d)	Failure of facility owner or operator who stores hazardous waste in a surface impoundment to record the amount of liquids removed from each leak detection sump.	\$3,000	NM		HPV
§264.227(a)	Failure of facility owner or operator to remove surface impoundment from service if liquid level suddenly drops or if dike leaks.	Matrix	NM		HPV
§264.227(b)	Failure of facility owner or operator to comply with requirements necessary when surface impoundment is removed from service.	Matrix	NM		HPV

§264.227(c)	Failure of facility owner or operator to have requirements for surface impoundment in contingency plan.	\$1,000	M	30 days	SV
§264.227(d)	Failure of facility owner or operator to comply with requirements for placing surface impoundment back into service.	\$5,000	NM		HPV
§264.227(e)	Failure of facility owner or operator to close surface impoundment that has been removed from service and is not being repaired.	\$5,000	NM		HPV
§264.228(a)	Failure of facility owner or operator who stores hazardous waste in a surface impoundment to properly close and provide post-closure care following closure.	Matrix	NM		HPV
§264.228(b)	Failure of facility owner or operator to comply with maintenance and monitoring requirements during post-closure of surface impoundment.	\$1,000	M	30 days	SV
§264.229	Failure of facility owner or operator to meet requirements for placing ignitable or reactive waste in surface impoundment.	\$5,000	NM		HPV
§264.230	Failure of facility owner or operator to prevent incompatible wastes and/or materials from being placed in same surface	\$5,000	NM		HPV

	impoundment.				
§264.231(a)	Failure of facility owner or operator that stores hazardous waste in a surface impoundment to obtain an approved management plan prior to placing F020, F021, F023, F026 or F027 wastes in the surface impoundment.	\$5,000	NM		HPV
§264.232	Failure of facility owner or operator to comply with 40 C.F.R. § 264, Subparts BB and CC.	\$1,000	M	30 days	SV

(40 C.F.R. Part 264 Subpart L-Waste Piles)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty Or Matrix</u>	<u>Class</u>	<u>Grace period</u>	<u>Viol. Type</u>
§264.251(a)	Failure of facility owner or operator to ensure waste piles have a proper liner and leachate collection system.	Matrix	NM		HPV
§264.251(c)	Failure of facility owner or operator to ensure waste piles have double liners and a leachate collection system both above and between the liners.	Matrix	NM		HPV
§264.251(g)	Failure of facility owner or operator to have a run-on control system to prevent flow onto a waste pile from at least a 25-year storm.	\$5,000	NM		HPV

§264.251(h)	Failure of facility owner or operator to have a run-off management system to collect run-off from a waste pile from a 25-year storm.	Matrix	NM		HPV
§264.251(i)	Failure of facility owner or operator to empty run-on and run-off holding facilities expeditiously following a storm.	\$1,000	M	30 days	SV
§264.251(j)	Failure of facility owner or operator to manage a waste pile in order to prevent wind dispersal.	Matrix	NM		HPV
§264.253	Failure of facility owner or operator to have an approved response action plan prior to utilizing a waste pile for hazardous waste storage.	\$5,000	NM		HPV
§264.254(a)	Failure of facility owner or operator to inspect liners to be used with waste piles during construction or installation.	\$5,000	NM		HPV
§264.254(b)	Failure of facility owner or operator to inspect waste piles on a weekly basis and after storms.	\$1,000	M	30 days	SV
§264.254(c)	Failure of facility owner or operator to record the amount of liquids removed from each leak detection system sump at least once a week through the active life and closure period of a waste pile.	\$1,000	M	30 days	SV
§264.256	Failure of facility owner or operator to ensure that ignitable or reactive wastes are not placed in waste	\$5,000	NM		HPV

	piles.				
§264.257	Failure of facility owner or operator to comply with special handling instructions for the placement of incompatible wastes in waste piles.	\$3,000	NM		HPV
§264.258	Failure of facility owner or operator to ensure that all waste and contaminated containment system components have been removed and managed as hazardous waste when closing a waste pile.	\$5,000	NM		HPV
§264.259(a)	Failure of facility owner or operator to have an approved management plan prior to placing F020, F021, F022, F023, F026, or F027 waste in a waste pile.	\$5,000	NM		HPV

(40 C.F.R. Part 264 Subpart M-Land Treatment)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty Or Matrix</u>	<u>Class</u>	<u>Grace period</u>	<u>Viol. Type</u>
§264.271(a)	Failure of facility owner or operator conducting land treatment to have an established land treatment program meeting the requirements of 40 C.F.R. § 264.271.	Matrix	NM		HPV
§264.272(a)	Failure of facility owner or operator conducting land treatment to have demonstrated prior to application of the waste that hazardous constituents in the waste will be	\$5,000	NM		HPV

	completely degraded in the treatment zone.				
§264.272(c)	Failure of facility owner or operator conducting land treatment to ensure that all field tests and laboratory analysis conducted meet the standards of 40 C.F.R. § 264.272(c).	Matrix	NM		HPV
§264.273(a)	Failure of facility owner or operator to operate a land treatment unit in accordance with all design and operating conditions.	\$3,000	NM		HPV
§264.273(b)	Failure of facility owner or operator to minimize the run-off of hazardous constituents from the treatment zone.	Matrix	NM		HPV
§264.273(c)	Failure of facility owner or operator utilizing land treatment to have a run-on control system capable of preventing flow into the treatment zone during a 25-year storm.	Matrix	NM		HPV
§264.273(d)	Failure of facility owner or operator utilizing land treatment to have a run-off management system capable of collecting and controlling flow during a 25-year storm.	Matrix	NM		HPV
§264.273(e)	Failure of facility owner or operator utilizing land treatment to empty run-on and run-off holding facilities expeditiously following a storm.	\$1,000	M	30 days	SV

§264.273(f)	Failure of facility owner or operator utilizing land treatment to manage the treatment zone in a manner to control wind dispersal of hazardous waste.	Matrix	NM		HPV
§264.273(g)	Failure of facility owner or operator to conduct weekly inspections of the land treatment unit.	\$1,000	M	30 days	SV
§264.276	Failure of facility owner or operator to comply with 40 C.F.R. § 264.276 when growing food-chain crops on or in the treatment zone.	Matrix	NM		HPV
§264.278	Failure of facility owner or operator to implement an unsaturated zone monitoring program in conformance with 40 C.F.R. § 264.178 and make appropriate notifications if there is an increase in hazardous constituents below the treatment zone.	Matrix	NM		HPV
§264.279	Failure of facility owner or operator to include application dates and rates to the operating record.	\$1,000	M	30 days	SV
§264.280(a)	Failure of facility owner or operator to continue operation of all control equipment and treatment operations during the closure period.	\$3,000	NM		HPV
§264.280(b)	Failure of facility owner or operator to submit a soil scientist's certification upon closure of the facility.	\$3,000	NM		HPV

§264.280(c)	Failure of facility owner or operator to continue operation of all control equipment and treatment operations during the post-closure period.	\$3,000	NM		HPV
§264.281	Failure of facility owner or operator to ensure that ignitable or reactive waste are not placed in the land treatment zone.	\$5,000	NM		HPV
§264.282	Failure of facility owner or operator to ensure that incompatible wastes are not placed in the same land treatment zone.	\$5,000	NM		HPV
§264.283(a)	Failure of facility owner or operator to obtain an approved management plan prior to placing F020, F021, F023, F026 or F027 wastes in a land treatment unit.	\$5,000	NM		HPV

(40 C.F.R. Part 264 Subpart N-Landfills)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty Or Matrix</u>	<u>Class</u>	<u>Grace period</u>	<u>Viol. Type</u>
§264.301(a)	Failure of facility owner or operator of hazardous waste landfill to have a liner system as required by 40 C.F.R. § 264.301(a).	\$10,000	NM		HPV
§264.301(c)	Failure of facility owner or operator of new hazardous waste landfill to have a liner system as required by	\$10,000	NM		HPV

	40 C.F.R. § 264.301(c).				
§264.301(g)	Failure of owner or operator of hazardous waste landfill to manage run-on system.	\$3,000	NM		HPV
§264.301(h)	Failure of owner or operator of hazardous waste landfill to manage run-off system.	\$3,000	NM		HPV
§264.301(i)	Failure of facility owner or operator of hazardous waste landfill to empty or manage system after storm.	\$3,000	NM		HPV
§264.301(j)	Failure of owner or operator of a hazardous waste landfill to control wind dispersion of particulate matter.	Matrix	NM		HPV
§264.303	Failure of facility owner or operator to meet inspection requirements for hazardous waste landfill.	\$1,000	M	30 days	SV
§264.303(c)(1)	Failure of facility owner or operator to record the amount of liquids removed from each leak detection system sump at least once a week through the active life and closure period of a hazardous waste landfill.	\$3,000	NM		HPV
§264.303(c)(2)	Failure of facility owner or operator to record the amount of liquids removed from each leak detection system sump in accordance with 40 C.F.R. § 264.303(c)(2) following the closure period of a hazardous waste landfill.	\$3,000	NM		HPV

§264.304	Failure of facility owner or operator that stores hazardous waste in a landfill unit to have an approved response action plan.	\$5,000	NM		HPV
§264.309(a)	Failure of facility owner or operator to maintain in operating record details of location and dimensions of each hazardous waste landfill cell.	\$3,000	NM		HPV
§264.309(b)	Failure of facility owner or operator to maintain in operating record the contents of each hazardous waste landfill cell and location of each hazardous waste type.	\$3,000	NM		HPV
§264.310(a)	Failure of facility owner or operator of a hazardous waste landfill to place final cover over landfill.	\$5,000	NM		HPV
§264.310(b)(1)	Failure of owner or operator of a hazardous waste landfill to maintain the function and integrity of the final cover including making repairs to the cover necessary to correct the effects of settling, subsidence, erosion, or other events.	\$3,000	NM		HPV
§264.310(b)(2)	Failure of facility owner or operator to continue to operate the leachate collection system until leachate is no longer detected.	Matrix	NM		HPV
§264.310(b)(3)	Failure of facility owner or operator to maintain and monitor the leak detection system	\$3,000	NM		HPV

§264.310(b)(4)	Failure of facility owner or operator to continue to maintain and monitor the ground water monitoring system after final closure.	\$3,000	NM		HPV
§264.310(b)(5)	Failure of facility owner or operator to prevent run-on and run-off from eroding or otherwise damaging the final cover.	\$3,000	NM		HPV
§264.310(b)(6)	Failure of facility owner or operator to protect and maintain surveyed benchmarks used in complying with 40 C.F.R. § 264.309.	\$1,000	M	30 days	SV
§264.312	Facility owner or operator of hazardous waste landfill placed ignitable or reactive waste in hazardous waste landfill.	\$5,000	NM		HPV
§264.313	Facility owner or operator of hazardous waste landfill placed incompatible wastes and materials in same landfill cell.	\$5,000	NM		HPV
§264.314(b)	Facility owner or operator placed bulk or non-containerized liquid hazardous waste in landfill.	\$5,000	NM		HPV
§264.314(c)	Failure of facility owner or operator to ensure that liquid hazardous waste or hazardous wastes containing free liquids are not placed in the landfill.	Matrix	NM		HPV

§264.314(d)	Facility owner or operator placed containers holding free liquids in hazardous waste landfill.	Matrix	NM		HPV
§264.314(f)	Facility owner or operator placed liquid which is not a hazardous waste in hazardous waste landfill.	Matrix	NM		HPV
§264.315	Failure of facility owner or operator to comply with special requirements for containers being placed in a landfill.	\$1,000	M	30 days	SV
§264.316(a)	Failure of facility owner or operator to comply with inside package requirements of overpack containers before placing in a hazardous waste landfill.	\$3,000	NM		HPV
§264.316(b)	Failure of metal outer container to be full after packing with inside containers and absorbent material.	\$3,000	NM		HPV
§264.316(c)	Failure of facility owner or operator to use absorbent material that is not capable of reacting dangerously with, being decomposed by, or being ignited by the contents inside the containers in accordance with 40 C.F.R. § 264.17(b).	\$5,000	NM		HPV
§264.316(d)	Failure of facility owner or operator to prevent incompatible wastes from being placed in same outside container.	\$5,000	NM		HPV

§264.316(e)	Failure of facility owner or operator to meet requirements for packaging reactive wastes before placing in hazardous waste landfill.	\$5,000	NM		HPV
§264.317	Failure of facility owner or operator of hazardous waste landfill to comply with special requirements for F020, F021, F022, F023, F026, and F027 wastes.	\$5,000	NM		HPV
(40 C.F.R. Part 264 Subpart O-Incinerators)					
<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty Or Matrix</u>	<u>Class</u>	<u>Grace period</u>	<u>Viol. Type</u>
§264.341(b)	Failure of facility owner or operator throughout normal operation of incinerator to conduct sufficient waste analyses to verify compliance with permit.	\$5,000	NM		HPV
§264.344	Failure of facility owner or operator to operate a hazardous waste incinerator in compliance with the conditions at 40 C.F.R. § 264.345 and the permit.	Matrix	NM		HPV
§264.345(a)	Failure of facility owner or operator to operate incinerator in accordance with operating requirements of permit.	Matrix	NM		HPV

§264.345(c)	Facility owner or operator fed hazardous waste into the incinerator during start up and shut down when not operating at steady state conditions.	Matrix	NM		HPV
§264.345(d)(1)	Failure of facility owner or operator to keep combustion zone of incinerator totally sealed against fugitive emissions.	\$3,000	NM		HPV
§264.345(d)(2)	Failure of facility owner or operator to maintain combustion zone of incinerator at lower than atmospheric pressure.	\$3,000	NM		HPV
§264.345(d)(3)	Failure of facility owner or operator of incinerator to provide approved alternate means of control of fugitive emissions.	\$3,000	NM		HPV
§264.345(e)	Failure of facility owner or operator to operate incinerator with automatic feed cut off.	\$5,000	NM		HPV
§264.345(f)	Failure of facility owner or operator to cease operation of incinerator if change in waste feed or operating conditions exceed permit limits.	\$5,000	NM		HPV
§264.347(a)(1)	Failure of facility owner or operator to monitor combustion temperature, waste feed rate, gas velocity continuously.	\$5,000	NM		HPV
§264.347(a)(2)	Failure of facility owner or operator to monitor carbon monoxide continuously.	\$5,000	NM		HPV

§264.347(a)(3)	Failure of facility owner or operator to conduct, upon request, sampling or analyses of waste or exhaust emissions.	\$3,000	NM		HPV
§264.347(b)	Failure of facility owner or operator to thoroughly inspect incinerator or associated equipment at least daily.	\$1,000	M	30 days	SV
§264.347(c)	Failure of facility owner or operator to test emergency waste feed cutoff controls or alarm systems weekly.	\$3,000	NM		HPV
§264.347(d)	Failure of facility owner or operator to record all monitoring and inspection data in the facility's operating log.	\$3000	NM		HPV
§264.351	Failure of facility owner or operator to remove all hazardous waste and hazardous waste residues from incinerator site at closure.	\$5,000	NM		HPV

(40 C.F.R. Part 264 Subpart W-Drip Pads)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty Or Matrix</u>	<u>Class</u>	<u>Grace period</u>	<u>Viol. Type</u>
§264.571	Failure of facility owner or operator operating an existing drip pad to evaluate the pad to determine if it meets the requirements of 40	\$5,000	NM		HPV

	C.F.R. § 264, Subpart W.				
§264.573(a)	Failure of facility owner or operator to design and construct a drip pad that is impermeable, sloped, bermed, and of sufficient structural strength or to obtain an engineer's evaluation, recertified annually.	\$5,000	NM		HPV
§264.573(b)(1)	Failure of facility owner or operator to ensure drip pads have a proper liner of appropriate materials on a sound foundation.	Matrix	NM		HPV
§264.573(b)(2)	Failure of facility owner or operator to ensure drip pads have a proper functioning leakage detection system.	\$3,000	NM		HPV
§264.573(b)(3)	Failure of facility owner or operator to ensure drip pads have a leakage collection system to collect any leakage from below the drip pad.	\$3,000	NM		HPV
§264.573(b)(3)	Failure of facility owner or operator to record, in the facility's operating log, the date and amount of leakage collected from a drip pad leakage collection system.	\$1,000	M	30 days	SV
§264.573(c)	Failure of facility owner or operator to ensure drip pads are maintained free of cracks, gaps, or deterioration.	\$1,000	M	30 days	SV
§264.573(d)	Failure of facility owner or operator to ensure drip pads are designed	\$3,000	NM		HPV

	and operated to control and collect all hazardous waste drippage.				
§264.573(e)	Failure of facility owner or operator to have a run-on control system to prevent or control flow onto a drip pad from at least a 25-year storm.	Matrix	NM		HPV
§264.573(f)	Failure of facility owner or operator utilizing a drip pad to have a run-off management system capable of collecting and controlling flow during a 25-year storm.	Matrix	NM		HPV
§264.573(g)	Failure of facility owner or operator to obtain a statement from a professional engineer certifying that the drip pad design meets the requirements of 40 C.F.R. § 264.573(a)-(f).	\$5,000	NM		HPV
§264.573(h)	Failure of facility owner or operator utilizing a drip pad to remove drippage and precipitation from collection system.	\$3,000	NM		HPV
§264.573(i)	Failure of facility owner or operator to clean drip pads of accumulated hazardous waste in order to allow for weekly inspections of the entire pad.	\$3,000	NM		HPV
§264.573(i)	Failure of facility owner or operator to log the date and procedures for each drip pad cleaning.	\$1,000	M	30 days	SV
§264.573(j)	Failure of facility owner or operator to minimize the tracking of hazardous waste off of the drip pad.	\$3,000	NM		HPV

§264.573(k)	Failure of facility owner or operator to hold all treated lumber on the drip pad until drippage has ceased or to document actions.	\$3,000	NM		HPV
§264.573(l)	Failure of facility owner or operator to empty run-on and run-off collection units promptly following a storm.	Matrix	NM		HPV
§264.573(m)	Failure of facility owner or operator to make repairs to a drip pad which has had, or may of had, a release of hazardous waste, in accordance with 40 C.F.R. § 264.573(m).	Matrix	NM		HPV
§264.573(o)	Failure of facility owner or operator utilizing drip pads to maintain records of past waste handling practices.	\$1,000	M	30 days	SV
§264.574(a)	Failure of facility owner or operator using a drip pad to obtain a professional engineer's certification immediately after installation of a liner.	\$5,000	NM		HPV
§264.574(b)	Failure of facility owner or operator to inspect drip pads on a weekly basis and after storms.	\$1,000	M	30 days	SV
§264.575	Failure of facility owner or operator to ensure that all waste and contamination have been removed when closing a drip pad.	\$3,000	NM		HPV

(40 C.F.R. Part 264 Subpart EE-Hazardous Waste Munitions and Explosives Storage)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty Or Matrix</u>	<u>Class</u>	<u>Grace period</u>	<u>Viol. Type</u>
§264.1201(a)(1)	Failure of hazardous waste munitions and explosives storage unit to be designed and operated to minimize the potential for detonation or other means of release of hazardous waste.	Matrix	NM		HPV
§264.1201(a)(2)	Failure of hazardous waste munitions and explosives storage unit to be designed and operated to provide a primary barrier designed to contain hazardous waste.	Matrix	NM		HPV
§264.1201(a)(3)	Failure of hazardous waste munitions and explosives storage unit, for wastes stored outside, to be designed and operated so that the waste and containers will not be in standing precipitation.	\$3,000	NM		HPV
§264.1201(a)(4)	Failure of hazardous waste munitions and explosives storage unit, for liquid wastes, to be designed and operated to provide a secondary containment system that assures that any released liquids are contained, promptly detected, and removed.	\$3,000	NM		HPV

§264.1201(a)(5)	Failure of hazardous waste munitions and explosives storage unit to be designed and operated to provide monitoring and inspection procedures that assure the controls and containment systems are working as designed.	\$3,000	NM		HPV
§264.1201(b)(1)	Failure of hazardous waste munitions and explosives stored in earth-covered magazines to comply with the requirements at 40 C.F.R. § 264.1201(b)(1).	\$5,000	NM		HPV
§264.1201(b)(2)	Failure of hazardous waste munitions and explosives in above-ground magazines to be located and designed so as to minimize the propagation of an explosion to adjacent units.	Matrix	NM		HPV
§264.1201(b)(3)	Failure of hazardous waste munitions and explosives in outdoor or open storage areas to be located and designed so as to minimize the propagation of an explosion to adjacent units.	Matrix	NM		HPV
§264.1201(c)	Failure of hazardous waste munitions and explosives to be stored in accordance with an SOP specifying procedures to ensure safety, security, and environmental protection.	Matrix	NM		HPV
§264.1201(d)	Failure of hazardous waste munitions and explosives to be packaged to ensure safety in handling and storage.	Matrix	NM		HPV

§264.1201(e)	Failure of hazardous waste munitions and explosives to be inventoried at least annually.	\$3,000	NM		HPV
§264.1201(f)	Failure of hazardous waste munitions and explosives and their storage units to be inspected and monitored to ensure explosive safety and to ensure that there is no migration of contaminants outside the unit.	\$3,000	NM		HPV

5. The violations of N.J.A.C.7:26G-9, Interim Status Standards Applicable to Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities, and the civil administrative penalty amounts for each violation, are as set forth in the following table. Also set forth are the class of offense and any grace period, if allowed.

(40 C.F.R. Part 265 Subpart B—General Facility Standards)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty Or Matrix</u>	<u>Class</u>	<u>Grace period</u>	<u>Viol. Type</u>
§265.11	Failure of facility owner or operator to obtain EPA identification number.	\$5,000	NM		HPV
§265.12(a)	Failure of facility owner or operator importing hazardous waste from a foreign country to notify EPA at least 4 weeks in advance of expected delivery.	\$1,000	M	30 days	SV

§265.12(b)	Failure of facility owner or operator when transferring operation of the facility to inform the new owner or operator of the requirements of 40 C.F.R. § 265 and 270.	\$1,000	M	30 days	SV
§265.13(a)(1)	Failure of facility owner or operator to obtain detailed chemical analysis of representative sample before treating, storing, or disposing of any hazardous waste.	\$5,000	NM		HPV
§265.13(a)(3)	Failure of facility owner or operator to repeat analysis as necessary to ensure that it is accurate and up to date.	\$1,000	M	30 days	SV
§265.13(a)(4)	Failure of owner or operator of an off-site facility to inspect or analyze each hazardous waste shipment received to determine if it matches the identity specified on the manifest or shipping paper.	\$3,000	NM		HPV
§265.13(b)	Failure of facility owner or operator to develop or follow a written waste analysis plan.	\$5,000	NM		HPV
§265.14(a)	Failure of facility owner or operator to prevent the unknowing entry and minimize the possibility for the unauthorized entry onto the facility.	\$3,000	NM		HPV
§265.14(b)	Failure of facility owner or operator to have adequate surveillance system or adequate artificial or natural barrier and a means to control entry at all times.	\$3,000	NM		HPV

§265.14(c)	Failure of facility owner or operator to post signs meeting each requirement of 40 C.F.R. § 265.14(c).	\$500	M	30 days	SV
§265.15(a)	Failure of facility owner or operator to inspect for malfunctions, deterioration, errors, or discharges.	\$1,000	M	30 days	SV
§265.15(b)	Failure of facility owner or operator to develop or follow written schedule for inspecting monitoring, safety, emergency, security equipment, etc., to keep schedule on site, or to identify problems.	\$1,000	M	30 days	SV
§265.15(c)	Failure of facility owner or operator to remedy any deterioration or malfunction immediately or on an appropriate schedule.	\$5,000	NM		HPV
§265.15(d)	Failure of facility owner or operator to record inspections in log or to retain required information for 3 years.	\$500	M	30 days	SV
§265.16(a)(1)	Failure of facility owner or operator to provide required classroom or on-the-job training for facility personnel.	\$1,000	M	30 days	SV
§265.16(a)(2)	Failure of facility owner or operator to provide a training program that is directed by a person trained in hazardous waste management procedures.	\$1,000	M	30 days	SV

§265.16(a)(3)	Failure of facility owner or operator to provide, at a minimum, a training program which is designed to ensure that facility personnel are able to respond effectively to emergencies.	\$1,000	M	30 days	SV
§265.16(b)	Failure of facility personnel to successfully complete the training program required in 40 C.F.R. § 265.16(a) within 6 months.	\$1,000	M	30 days	SV
§265.16(c)	Failure of facility personnel to take part in an annual review of the initial training required in 40 C.F.R. § 265.16(a).	\$500	M	30 days	SV
§265.16(d)	Failure of facility owner or operator to maintain training records at the facility	\$500	M	30 days	SV
§265.16(e)	Failure of facility owner or operator to keep training records until closure.	\$500	M	30 days	SV
§265.17(a)	Failure of facility owner or operator to keep ignitable or reactive waste separated and protected from sources of ignition or reaction, to confine smoking or open flame to specially designated locations while handling ignitable or reactive waste, or to conspicuously place “No Smoking” signs wherever there is a hazard from ignitable or reactive waste.	\$3,000	NM		HPV

§265.17(b)	Failure of facility owner or operator that treats, stores, or disposes of ignitable, reactive, or mixtures of incompatible wastes to take precautions to prevent reactions.	\$3,000	NM		HPV
(40 C.F.R. Part 265 Subpart C-Preparedness and Prevention)					
<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty Or Matrix</u>	<u>Class</u>	<u>Grace period</u>	<u>Viol. Type</u>
§265.31	Failure of facility owner or operator to maintain or operate facility to minimize possibilities of fire, explosion or releases of hazardous waste or hazardous waste constituents.	\$5,000	NM		HPV
§265.32	Failure of facility owner or operator to equip facility with emergency equipment.	\$3,000	NM		HPV
§265.33	Failure of facility owner or operator to test and maintain emergency equipment.	\$1,000	M	30 days	SV
§265.34	Failure of facility owner or operator to maintain access to communications or alarm system.	\$1,000	M	30 days	SV
§265.35	Failure of facility owner or operator to maintain sufficient aisle space for the unobstructed movement of personnel or equipment in an emergency.	\$1,000	M	30 days	SV

§265.37	Failure of facility owner or operator to make required arrangements with police or fire departments, emergency response contractors, equipment suppliers, or local hospitals, or to document any such authority's refusal of such arrangements.	\$1,000	M	30 days	SV
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(40 C.F.R. Part 265 Subpart D-Contingency Plan and Emergency Procedures)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty Or Matrix</u>	<u>Class</u>	<u>Grace period</u>	<u>Viol. Type</u>
§265.51(a)	Failure of facility owner or operator to have a contingency plan designed to minimize hazards to human health and the environment.	\$5,000	NM		HPV
§265.51(b)	Failure of facility owner or operator to carry out provisions of the plan immediately if there is a fire, explosion, or release.	Matrix	NM		HPV
§265.52(a)	Failure of contingency plan to describe actions to be taken in response to fires, explosions, or releases.	\$1,000	M	30 days	SV
§265.52(b)	Failure of facility owner or operator to amend its SPCC (40 C.F.R. Part 112 or Part 1510 of chapter V) or DPCC (N.J.A.C. 7:1E) plan to incorporate hazardous waste	\$1,000	M	30 days	SV

	management provisions.				
§265.52(c)	Failure of contingency plan to describe arrangements agreed to by local police or fire departments, hospitals, contractors, or State or local emergency response teams.	\$500	M	30 days	SV
§265.52(d)	Failure of contingency plan to list name, addresses, or phone numbers of persons qualified to act as emergency coordinator.	\$500	M	30 days	SV
§265.52(e)	Failure of contingency plan to list emergency equipment, updated as required, with its location, description, or capabilities specified.	\$500	M	30 days	SV
§265.52(f)	Failure of contingency plan to include evacuation procedure for personnel including signals, evacuation routes or alternate evacuation routes.	\$500	M	30 days	SV
§265.53	Failure of contingency plan to be maintained at facility with a copy sent to local police or fire departments, hospitals, or State or local emergency response teams.	\$500	M	30 days	SV
§265.54	Failure of facility owner or operator to review or amend contingency plan as necessary.	\$500	M	30 days	SV
§265.55	Failure of emergency coordinator to be thoroughly familiar with plan or available at all times.	\$3,000	NM		HPV

§265.56(a)-(b)	Failure of emergency coordinator to identify character, source, amount or areal extent of discharged materials, to activate alarms or communications systems, or to notify appropriate State or local agencies if necessary.	Matrix	NM		HPV
§265.56(c)	Failure of emergency coordinator to assess possible hazards to human health and the environment.	Matrix	NM		HPV
§265.56(d)	Failure of emergency coordinator to immediately notify appropriate emergency response agency of situation threatening health and the environment.	Matrix	NM		HPV
§265.56(e)	Failure of emergency coordinator to take reasonable measures to ensure hazards are minimized.	Matrix	NM		HPV
§265.56(f)	Failure of emergency coordinator to monitor leaks, pressure buildup, gas generation, or ruptures, if the facility stopped operating due to fire, explosion, or discharge.	Matrix	NM		HPV
§265.56(g)	Failure of emergency coordinator to provide for treating, storing, or disposing of recovered waste, contaminated soil or surface water, or other material.	Matrix	NM		HPV

§265.56(h)	Failure of emergency coordinator to ensure that in affected area of facility no incompatible waste is treated, stored or disposed of until cleanup procedures are complete or to ensure that emergency equipment is cleaned and fit for intended use before operations are resumed.	Matrix	NM		HPV
§265.56(i)	Failure of facility owner or operator to notify Department and local authorities that facility is in compliance before operations are resumed.	\$500	M	30 days	SV
§265.56(j)	Failure of facility owner or operator to submit written report to Department within 15 days after an incident.	\$500	M	30 days	SV

(40 C.F.R. Part 265 Subpart E-Manifest System, Recordkeeping, and Reporting)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty Or Matrix</u>	<u>Class</u>	<u>Grace period</u>	<u>Viol. Type</u>
§265.71(a)(1)	Failure of facility owner or operator to sign or date manifest.	\$3,000	NM		HPV
§265.71(a)(2)	Failure of facility owner or operator to note any significant discrepancies in the manifest on each copy of the manifest.	\$500	M	30 days	SV
§265.71(a)(3)	Failure of facility owner or operator to give transporter a copy of	\$500	M	30 days	SV

	manifest.				
§265.71(a)(4)	Failure of facility owner or operator to send copy of manifest to generator within 30 days after delivery of hazardous waste.	\$500	NM		HPV
§265.71(a)(5)	Failure of facility owner or operator to retain copy of manifest for 3 years.	\$500	M	30 days	SV
§265.71(b)(1)	Failure of facility owner or operator receiving hazardous waste from rail or water (bulk shipment) transporter to sign or date manifest or shipping paper.	\$3,000	NM		HPV
§265.71(b)(2)	Failure of facility owner or operator receiving hazardous waste from rail or water (bulk shipment) transporter to note any significant discrepancies in manifest or shipping paper on each copy of manifest or shipping paper.	\$500	M	30 days	SV
§265.71(b)(3)	Failure of facility owner or operator receiving hazardous waste from rail or water (bulk shipment) transporter to give transporter a copy of manifest or shipping paper.	\$500	M	30 days	SV
§265.71(b)(4)	Failure of facility owner or operator receiving hazardous waste from rail or water (bulk shipment) transporter to send copy of manifest or shipping paper to generator within 30 days after delivery.	\$500	M	30 days	SV

§265.71(b)(5)	Failure of facility owner or operator receiving hazardous waste from rail or water (bulk shipment) transporter to retain copy of manifest for 3 years.	\$500	M	30 days	SV
§265.72(b)	Failure of facility operator to reconcile a significant discrepancy with the generator or transporter within 15 days of receipt or to report the unresolved discrepancy to the Department immediately thereafter.	\$1,000	M	30 days	SV
§265.73	Failure of facility owner or operator to keep written operating records meeting each requirement of 40 C.F.R § 265.73.	\$3,000	NM		HPV
§265.74(a)	Failure of facility owner or operator to furnish upon request, or make available for inspection, any record.	\$5,000	NM		HPV
§265.74(b)	Failure of facility owner or operator to keep any record during the course of any unresolved enforcement action or as requested by the Department.	\$3,000	NM		HPV
§265.74(c)	Failure of facility owner or operator to submit copy of waste disposal locations or quantities to Department or local land authority upon closure of facility.	\$5,000	NM		HPV

§265.75	Failure of facility owner or operator to prepare or submit a copy of the hazardous waste report to Department by March 1 of each even numbered year.	\$1,000	M	30 days	SV
§265.76	Failure of facility owner or operator receiving unmanifested waste to submit an 'Unmanifested Waste Report' within 15 days.	\$5,000	NM		HPV
(40 C.F.R. Part 265 Subpart F-Ground-Water Monitoring)					
<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty Or Matrix</u>	<u>Class</u>	<u>Grace period</u>	<u>Viol. Type</u>
§265.91	Failure of ground water monitoring system to meet the requirements of 40 C.F.R. § 265.91.	Matrix	NM		HPV
§265.92	Failure of facility owner or operator to develop and follow a ground water sampling and analysis plan in accordance with 40 C.F.R. § 265.92.	Matrix	NM		HPV
§265.93	Failure of facility owner or operator to prepare an outline of a more comprehensive ground water monitoring program in accordance with 40 C.F.R. § 265.93.	Matrix	NM		HPV
§265.94	Failure of facility owner or operator to maintain records of ground water monitoring information or to report the information to the	\$1,000	M	30 days	SV

	Department.				
(40 C.F.R. Part 265 Subpart G-Closure and Post-Closure)					
<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty Or Matrix</u>	<u>Class</u>	<u>Grace period</u>	<u>Viol. Type</u>
§265.111	Failure of facility owner or operator to close in a manner that minimizes further maintenance and controls, minimizes, or eliminates post-closure escape of hazardous waste.	Matrix	NM		HPV
§265.112(a)	Failure of facility owner or operator to have written closure plan.	\$5,000	NM		HPV
§265.112(b)	Failure of facility owner or operator to include in the closure plan all steps necessary to perform a partial and/or final closure of the facility.	\$1,000	M	30 days	SV
§265.112(c)	Failure of facility owner or operator to amend or request modification of closure plan before change.	\$1,000	M	30 days	SV
§265.112(d)	Failure of facility owner or operator to notify Department prior to commencement of closure.	\$3,000	NM		HPV
§265.113(a)	Failure of facility owner or operator to treat, remove, or dispose of waste within 90 days after final volume of wastes received in	\$3,000	NM		HPV

	accordance with approved closure plan.				
§265.113(b)	Failure of facility owner or operator to complete closure within 180 days after final volume of wastes received in accordance with approved closure plan.	\$3,000	NM		HPV
§265.114	Failure of facility owner or operator to properly dispose of or decontaminate all contaminated equipment, structures, or soils.	\$5,000	NM		HPV
§265.115	Failure of facility owner or operator, when closure completed, to submit its own certification or that of an independent registered professional engineer to the Department.	\$1,000	M	30 days	SV
§265.116	Failure of facility owner or operator, within 60 days after closure, to submit to local authorities and Department detailed information on site.	\$1000	M	30 days	SV
§265.117(a)	Failure of facility owner or operator to continue proper post-closure care for 30 years and to comply with 40 C.F.R. § 265.117(a)(1)-(2).	Matrix	NM		HPV
§265.117(c)	Failure of facility owner or operator to ensure that post-closure activity does not disturb final cover, liner(s), or containment or monitoring system.	\$3,000	NM		HPV
§265.117(d)	Failure of facility owner or operator to perform post-closure care	\$5,000	NM		HPV

	activities in accordance with post-closure plan.				
§265.118(a)	Failure of facility owner or operator to have written post-closure plan.	\$5,000	NM		HPV
§265.118(b)	Failure of facility owner or operator to furnish the most current copy of post-closure plan to the Department upon request or to keep a copy of the post-closure plan with the person or office specified in 40 C.F.R. § 265.118(c)(3) during the post-closure period.	\$1,000	M	30 days	SV
§265.118(c)	Failure of facility owner or operator to include in post-closure plan all activities that will be carried on after closure of each disposal unit and the frequency of these activities.	\$1,000	M	30 days	SV
§265.118(d)	Failure of facility owner or operator to amend or request modification of post-closure plan when necessary.	\$1,000	M	30 days	SV
§265.119(a)	Failure of facility owner or operator to inform the local zoning officer and the Department of the type, location, and amount of waste in each disposal unit within 60 days of receiving a certification of closure for that unit.	\$1,000	M	30 days	SV
§265.119(b)	Failure of facility owner or operator to comply with requirements for notice in deed to property.	\$1,000	M	30 days	SV

§265.120	Failure of facility owner or operator to certify that post-closure activities have been conducted according to the post-closure plan within 60 days of completion of the established post-closure care period.	\$1,000	M	30 days	SV
(40 C.F.R. Part 265 Subpart H-Financial Requirements)					
<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty Or Matrix</u>	<u>Class</u>	<u>Grace period</u>	<u>Viol. Type</u>
§265.142(a)	Failure of facility owner or operator to have a written estimate of the cost of closing facility.	\$3,000	NM		HPV
§265.142(b)	Failure of facility owner or operator to adjust closure cost estimate for inflation according to regulatory time frames.	\$1,000	M	30 days	SV
§265.142(c)	Failure of facility owner or operator to revise the closure cost estimate whenever a change in the closure plan increases the cost of closure.	\$1,000	M	30 days	SV
§265.142(d)	Failure of facility owner or operator to keep the latest closure cost estimate and adjusted closure cost estimate at the facility.	\$1,000	M	30 days	SV
§265.143	Failure of facility owner or operator to establish financial assurance for	Matrix	NM		HPV

	closure of facility.				
§265.144(a)	Failure of facility owner or operator to have a written estimate of the cost of post-closure care.	\$3,000	NM		HPV
§265.144(b)	Failure of facility owner or operator to adjust cost estimate of post-closure care for inflation according to regulatory time frames.	\$1,000	M	30 days	SV
§265.144(c)	Failure of facility owner or operator to revise the post-closure care cost estimate whenever a change in the post-closure plan increases the cost of post-closure care.	\$1,000	M	30 days	SV
§265.144(d)	Failure of facility owner or operator to keep the latest post-closure care cost estimate at the facility.	\$1,000	M	30 days	SV
§265.145	Failure of facility owner or operator to establish financial assurance for post-closure care of facility.	Matrix	NM		HPV
§265.147(a)	Failure of facility owner or operator to meet liability requirements for sudden accidental occurrences.	Matrix	NM		HPV
§265.147(b)	Failure of facility owner or operator to meet the liability requirements for nonsudden occurrences.	Matrix	NM		HPV
§265.148(a)	Failure of facility owner or operator or guarantor to notify Department of commencement of proceeding under Title II of the Bankruptcy Code.	\$1,000	M	30 days	SV

§265.148(b)	Failure of facility owner or operator to establish other financial assurance or liability coverage within 60 days after bankruptcy, suspension, or revocation.	Matrix	NM		HPV
(40 C.F.R. Part 265 Subpart I-Use and Management of Containers)					
<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty Or Matrix</u>	<u>Class</u>	<u>Grace period</u>	<u>Viol. Type</u>
§265.171	Failure of facility owner or operator to handle hazardous waste in containers of good condition.	\$3,000	NM		HPV
§265.172	Failure of facility owner or operator to use container compatible with hazardous waste stored.	\$3,000	NM		HPV
§265.173	Failure of facility owner or operator to comply with requirements for the management of containers.	\$1,000	M	30 days	SV
§265.174	Failure of facility owner or operator to perform inspection of each area where containers are stored.	\$1,000	M	30 days	SV
§265.176	Failure of facility owner or operator to store containers holding ignitable or reactive wastes at least 50 feet from property line.	\$3,000	NM		HPV
§265.177	Failure of facility owner or operator to comply with each of the special requirements for incompatible	\$3,000	NM		HPV

	wastes.				
§265.178	Failure of facility owner or operator to comply with 40 C.F.R. § 265, Subparts AA, BB, and CC.	\$1,000	M	30 days	SV
(40 C.F.R. Part 265 Subpart J-Tank Systems)					
<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty Or Matrix</u>	<u>Class</u>	<u>Grace period</u>	<u>Viol. Type</u>
§265.191(a)	Failure of facility owner or operator to obtain and keep a written assessment by a professional engineer attesting to existing tank system's integrity.	\$5,000	NM		HPV
§265.191(b)	Failure of written assessment to comply with the requirements at 40 C.F.R. § 265.191(b).	\$5,000	NM		HPV
§265.191(c)	Failure of facility owner or operator to assess the integrity of a tank within 12 months of a material becoming a hazardous waste.	\$3,000	NM		HPV
§265.192(a)	Failure of facility owner or operator to have written assessment by a professional engineer attesting that the system has sufficient structural strength.	\$5,000	NM		HPV
§265.192(b)	Failure of facility owner or operator to have a new tank inspected by a qualified installation inspector or engineer for damage prior to	\$5,000	NM		HPV

	covering, enclosing or placing in use.				
§265.192(c)	Failure of facility owner or operator of new tank system or components to use appropriate backfill material.	\$5,000	NM		HPV
§265.192(d)	Failure of facility owner or operator to have a new tank and ancillary equipment tested for tightness prior to covering, enclosing or placing in use.	\$5,000	NM		HPV
§265.192(e)	Failure of facility owner or operator to have ancillary equipment supported and protected from settlement, vibration, expansion, or contraction.	\$3,000	NM		HPV
§265.192(f)	Failure of facility owner or operator to provide proper corrosion protection for new tank systems.	\$5,000	NM		HPV
§265.192(g)	Failure of facility owner or operator to obtain and keep on record certifications from those professionals responsible for tank system design and installation.	\$1,000	M	30 days	HPV
§265.193(a)	Failure of facility owner or operator to install secondary containment for hazardous waste tanks within the time frames outlined in 40 C.F.R. § 265.193(a).	\$3,000	NM		HPV

§265.193(b)(1)	Failure of secondary containment system to be designed, installed, and operated to prevent migration of wastes or accumulated liquid out of the system.	\$3,000	NM		HPV
§265.193(b)(2)	Failure of secondary containment system to detect and collect releases and accumulated liquids.	\$3,000	NM		HPV
§265.193(c)(1)	Failure of containment system to consist of material compatible with wastes stored or to have sufficient strength and thickness.	\$3,000	NM		HPV
§265.193(c)(2)	Failure of facility owner or operator to construct secondary containment unit on a base or foundation capable of providing support and resistance to pressure gradients.	\$3,000	NM		HPV
§265.193(c)(3)	Failure of facility owner or operator to construct secondary containment with a leak detection system that is designed and operated to detect the failure of containment structure(s) or the presence of a release.	\$3,000	NM		HPV
§265.193(c)(4)	Failure of facility owner or operator to remove accumulated precipitation or spilled or leaked waste from secondary containment within 24 hours.	\$3,000	NM		HPV

§265.193(d)	Failure of facility owner or operator to provide secondary containment featuring an approved device.	\$3,000	NM		HPV
§265.193(e)(1)	Failure of external liner system to meet requirements at 40 C.F.R. § 265.193(e)(1).	\$3,000	NM		HPV
§265.193(e)(2)	Failure of vault system to meet requirements at 40 C.F.R. § 265.193(e)(2).	\$3,000	NM		HPV
§265.193(e)(3)	Failure of double-walled tank to meet requirements at 40 C.F.R. § 265.193(e)(3).	\$3,000	NM		HPV
§265.193(f)	Failure of facility owner or operator to provide secondary containment for ancillary equipment.	\$3,000	NM		HPV
§265.194(a)	Failure of facility owner or operator to prevent hazardous wastes or treatment reagents from being placed in tank system if they can cause the tank, its ancillary equipment, or containment system to rupture, leak, corrode, or otherwise fail.	\$5,000	NM		HPV
§265.194(b)	Failure of facility owner or operator to use appropriate controls and practices to prevent spills and overflows from tanks or containment systems.	\$5,000	NM		HPV
§265.195(a)(1)	Failure of facility owner or operator to inspect overfill/spill control equipment each operating day.	\$1,000	M	30 days	SV

§265.195(a)(2)	Failure of facility owner or operator to inspect aboveground portions of tank system for corrosion or releases of waste each operating day.	\$1,000	M	30 days	SV
§265.195(a)(3)	Failure of facility owner or operator to inspect data gathered from monitoring and leak detection equipment each operating day.	\$1,000	M	30 days	SV
§265.195(a)(4)	Failure of facility owner or operator to inspect construction materials and area immediately surrounding tank system for erosion or signs of releases each operating day.	\$1,000	M	30 days	SV
§265.195(b)	Failure of facility owner or operator to inspect cathodic protection systems.	\$1,000	M	30 days	SV
§265.195(c)	Failure of facility owner or operator to document inspections in facility operating record.	\$1,000	M	30 days	SV
§265.196(a)	Failure of facility owner or operator to cease using a tank from which a release occurred or which is unfit for use.	Matrix	NM		HPV
§265.196(b)	Failure of facility owner or operator to remove waste from a tank in which a release occurred within 24 hours in order to affect repairs on the unit.	Matrix	NM		HPV
§265.196(c)	Failure of facility owner or operator to prevent further migration of the release to soils or water or to	Matrix	NM		HPV

	remove and dispose of any visible contamination of soil or water.				
§265.196(d)	Failure of facility owner or operator to report a release within 24 hours or to submit a spill report within 30 days.	\$1,000	M	30 days	SV
§265.196(e)	Failure of facility owner or operator to comply with 40 C.F.R. § 265.196(e)(2)-(4) prior to placing a tank back in service following a release.	\$3,000	NM		HPV
§265.196(f)	Failure of facility owner or operator to obtain a professional engineer's certification prior to placing a tank back in service following a major repair.	\$3,000	NM		HPV
§265.197(a)	Failure of facility owner or operator at closure to remove or decontaminate all waste residues, contaminated containment system components, contaminated soils, structures, etc.	\$5,000	NM		HPV
§265.197(c)	Failure of facility owner or operator that has a tank system without secondary containment to comply with requirements at 40 C.F.R. § 265.197(c).	\$3,000	NM		HPV
§265.198(a)	Failure of facility owner or operator to meet specific requirements before placing ignitable or reactive waste in a tank.	\$5,000	NM		HPV
§265.198(b)	Failure of facility owner or operator storing or treating ignitable or	\$3,000	NM		HPV

	reactive wastes in tanks to comply with NFPA's buffer zone requirements for tanks.				
§265.199(a)	Failure of facility owner or operator to prevent the placing of incompatible wastes, or wastes and materials, in same tank, except in compliance with 40 C.F.R. § 265.17(b).	\$5,000	NM		HPV
§265.199(b)	Failure of facility owner or operator to prevent the placing of hazardous waste in a tank which is not decontaminated and previously held incompatible waste, except in compliance with 40 C.F.R. § 265.17(b).	\$5,000	NM		HPV
§265.200	Failure of facility owner or operator utilizing a tank system to conduct waste analysis and trial treatment or storage tests before treating/storing different waste or using a different process.	\$5,000	NM		HPV
§265.201(b)(2)	Failure of small quantity generator to prevent hazardous waste or treatment reagents from being placed in tank system if they can cause the tank, its ancillary equipment, or containment system to rupture, leak, corrode, or otherwise fail.	\$5,000	NM		HPV
§265.201(b)(3)	Failure of small quantity generator to maintain at least 2 feet of freeboard for uncovered tanks.	\$1,000	M	30 days	SV

§265.201(b)(4)	Failure of small quantity generator utilizing tank storage featuring a continuous feed to install a means to stop this inflow.	\$3,000	NM		HPV
§265.201(c)(1)	Failure of small quantity generator to inspect discharge control equipment each operating day.	\$1,000	M	30 days	SV
§265.201(c)(2)	Failure of small quantity generator to inspect data gathered from monitoring equipment each operating day.	\$1,000	M	30 days	SV
§265.201(c)(3)	Failure of small quantity generator to inspect level of waste in tank each operating day.	\$1,000	M	30 days	SV
§265.201(c)(4)	Failure of small quantity generator to inspect construction materials weekly.	\$1,000	M	30 days	SV
§265.201(c)(5)	Failure of small quantity generator to inspect the construction materials of, and the area immediately surrounding, discharge confinement structures weekly.	\$1,000	M	30 days	SV
§265.201(d)	Failure of small quantity generator at closure to remove all waste from tanks, discharge control equipment, and discharge confinement structures.	\$3,000	NM		HPV
§265.201(e)(1)	Failure of small quantity generator to meet specific requirements before placing ignitable or reactive	\$3,000	NM		HPV

	waste in a tank.				
§265.201(e)(2)	Failure of small quantity generator storing or treating ignitable or reactive waste in a tank to comply with NFPA's buffer zone requirements for tanks.	\$3,000	NM		HPV
§265.201(f)(1)	Failure of small quantity generator to prevent the placing of incompatible wastes, or wastes and materials, in same tank, except in compliance with 40 C.F.R. § 265.17(b).	\$5,000	NM		HPV
§265.201(f)(2)	Failure of small quantity generator to prevent the placing of hazardous waste in a tank which was not decontaminated and previously held incompatible waste, except in compliance with 40 C.F.R. § 40 C.F.R. § 265.17(b).	\$5,000	NM		HPV
§265.202	Failure of facility owner or operator to comply with 40 C.F.R. § 265, Subparts AA, BB, and CC.	\$1,000	M	30 days	SV

(40 C.F.R. Part 265 Subpart K-Surface Impoundments)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty Or Matrix</u>	<u>Class</u>	<u>Grace period</u>	<u>Viol. Type</u>
§265.221(a)	Failure of facility owner or operator utilizing surface impoundments to install two or more liners and a leachate collection system.	Matrix	NM		HPV

§265.221(f)	Failure of facility owner or operator utilizing surface impoundments to maintain sufficient freeboard to prevent overtopping of the dike by overfilling, wave action, or a storm.	\$1,000	M	30 days	HPV
§265.223	Failure of facility owner or operator who stores hazardous waste in a surface impoundment to have an approved response action plan.	\$1,000	M	30 days	SV
§265.225	Failure of facility owner or operator utilizing a surface impoundment to conduct waste analysis and trial treatment tests before treating different waste or using a different process.	\$5,000	NM		HPV
§265.226	Failure of facility owner or operator to comply with monitoring and inspection requirements of surface impoundments.	\$1,000	M	30 days	SV
§265.228(a)	Failure of facility owner or operator to ensure that all waste residues have been removed, all containment systems and subsoils have been decontaminated and managed as hazardous waste, and provide post-closure care for a landfill when closing a surface impoundment.	Matrix	NM		HPV
§265.228(b)	Failure of facility owner or operator to comply with maintenance and monitoring requirements during post-closure of surface impoundments.	\$1,000	M	30 days	SV

§265.229	Failure of facility owner or operator to meet requirements for placing ignitable or reactive waste in surface impoundment.	\$5,000	NM		HPV
§265.230	Failure of facility owner or operator to prevent incompatible wastes and/or materials from being placed in same surface impoundment.	\$5,000	NM		HPV
§265.231	Failure of facility owner or operator to comply with 40 C.F.R § 265, Subparts BB and CC.	\$1,000	M	30 days	SV

(40 C.F.R. Part 265 Subpart L-Waste Piles)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty Or Matrix</u>	<u>Class</u>	<u>Grace period</u>	<u>Viol. Type</u>
§265.251	Failure of facility owner or operator to manage a waste pile in order to prevent wind dispersal.	Matrix	NM		HPV
§265.252	Failure of facility owner or operator to conduct a waste analysis of each incoming waste movement prior to adding the waste to a waste pile.	\$5,000	NM		HPV
§265.253	Failure of facility owner or operator storing waste in piles to provide proper leachate, run-off, and run-on controls.	\$5,000	NM		HPV
§265.254	Failure of facility owner or operator utilizing waste piles to install two or more liners and a leachate	\$5,000	NM		HPV

	collection system both above and between the liners.				
§265.256	Failure of facility owner or operator to ensure that ignitable or reactive wastes are not placed in waste piles or are managed in such a way as to protect it from any conditions that may make it ignite or react.	\$5,000	NM		HPV
§265.257	Failure of facility owner or operator to comply with special handling instructions for the placement of incompatible wastes in waste piles.	\$5,000	NM		HPV
§265.258	Failure of facility owner or operator to ensure that all waste and contaminated containment system components have been removed and managed as hazardous waste when closing a waste pile.	\$5,000	NM		HPV
§265.259	Failure of facility owner or operator who stores hazardous waste in a waste pile to have an approved response action plan.	\$1,000	M	30 days	SV
§265.260	Failure of facility owner or operator to record the amount of liquids removed from each leak detection system sump at least once a week through the active life and closure period of a waste pile.	\$1,000	M	30 days	SV
(40 C.F.R. Part 265 Subpart M-Land Treatment)					

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty Or Matrix</u>	<u>Class</u>	<u>Grace period</u>	<u>Viol. Type</u>
§265.272(a)	Failure of facility owner or operator conducting land treatment to ensure that the hazardous constituents in the waste will be made less hazardous or nonhazardous by the processes occurring in the treatment zone.	\$5,000	NM		HPV
§265.272(b)	Failure of facility owner or operator utilizing land treatment to have a run-on control system capable of preventing flow into the treatment zone during a 25-year storm.	\$5,000	NM		HPV
§265.272(c)	Failure of facility owner or operator utilizing land treatment to have a run-off management system capable of collecting and controlling flow during a 25-year storm.	\$3,000	NM		HPV
§265.272(d)	Failure of facility owner or operator utilizing land treatment to empty run-on and run-off holding facilities expeditiously following a storm.	\$3,000	NM		HPV
§265.272(e)	Failure of facility owner or operator utilizing land treatment to manage the treatment zone in a manner to control wind dispersal of hazardous waste.	Matrix	NM		HPV
§265.273	Failure of facility owner or operator conducting land treatment to ensure that all wastes to be placed	\$5,000	NM		HPV

	in the treatment zone are analyzed to determine if they meet the standards of 40 C.F.R. § 265.273.				
§265.276	Failure of facility owner or operator to comply with 40 C.F.R. § 265.276 when growing food-chain crops on or in the treatment zone.	Matrix	NM		HPV
(40 C.F.R. Part 265 Subpart N-Landfills)					
<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty Or Matrix</u>	<u>Class</u>	<u>Grace period</u>	<u>Viol. Type</u>
§265.301(b)	Failure of facility owner or operator to make appropriate notifications prior to accepting hazardous waste for storage in a landfill unit.	\$1,000	M	30 days	SV
§265.301(f)	Failure of facility owner or operator of hazardous waste landfill to manage run-on system.	\$3,000	NM		HPV
§265.301(g)	Failure of facility owner or operator of hazardous waste landfill to manage run-off system.	\$3,000	NM		HPV
§265.301(h)	Failure of facility owner or operator of hazardous waste landfill to empty or manage run-on/run-off systems after storm.	\$3,000	NM		HPV
§265.301(i)	Failure of facility owner or operator who landfills hazardous waste to manage the landfill in a manner to control wind dispersal of	Matrix	NM		HPV

	hazardous waste.				
§265.304(a)	Failure of facility owner or operator to record the amount of liquids removed from each leak detection system sump at least once a week through the active life and closure period of a hazardous waste landfill.	\$1,000	M	30 days	SV
§265.304(b)	Failure of facility owner or operator to record the amount of liquids removed from each leak detection system sump in accordance with 40 C.F.R. § 265.304(b) following the closure period of a hazardous waste landfill.	\$1,000	M	30 days	SV
§265.309(a)	Failure of facility owner or operator to maintain in operating record details of location and dimensions of each hazardous waste landfill cell.	\$3,000	NM		HPV
§265.309(b)	Failure of facility owner or operator to maintain in operating record the contents of each hazardous waste landfill cell and location of each hazardous waste type.	\$3,000	NM		HPV
§265.310(a)	Failure of facility owner or operator of a hazardous waste landfill to place final cover over landfill.	\$5,000	NM		HPV
§265.310(b)(1)	Failure of facility owner or operator of a hazardous waste landfill to maintain the function and integrity of the final cover including making repairs to the cover as necessary to correct the effects of settling, subsidence, erosion, or other	\$3,000	NM		HPV

	events.				
§265.310(b)(2)	Failure of facility owner or operator to maintain and monitor the leak detection system.	\$3,000	NM		HPV
§265.310(b)(3)	Failure of facility owner or operator who landfills hazardous waste to comply with all ground water monitoring, sampling, and reporting requirements.	\$3,000	NM		HPV
§265.310(b)(4)	Failure of facility owner or operator to prevent run-on and run-off from eroding or otherwise damaging the final cover.	\$3,000	NM		HPV
§265.310(b)(5)	Failure of facility owner or operator to protect and maintain surveyed benchmarks used in complying with 40 C.F.R. § 265.309.	\$1,000	M	30 days	SV
§265.312(a)	Facility owner or operator of hazardous waste landfill placed ignitable or reactive wastes in a hazardous waste landfill.	\$5,000	NM		HPV
§265.312(b)	Failure of facility owner or operator to comply with special handling instructions for the placement of ignitable wastes in landfill units.	\$5,000	NM		HPV
§265.313	Facility owner or operator of hazardous waste landfill placed incompatible wastes and materials in same landfill cell.	\$5,000	NM		HPV
§265.314(b)	Facility owner or operator placed bulk or non-containerized liquids	\$5,000	NM		HPV

	in landfill.				
§265.314(c)	Facility owner or operator placed containerized liquids in hazardous waste landfill.	\$5,000	NM		HPV
§265.314(d)	Failure of facility owner or operator to utilize an approved testing method to determine if a waste to be placed in a hazardous waste landfill contains free liquids.	\$1,000	M	30 days	SV
§265.315	Failure of facility owner or operator to comply with special requirements for containers.	\$1,000	M	30 days	SV
§265.316(a)	Failure of facility owner or operator to comply with inside package requirements of overpack containers before placing in a hazardous waste landfill.	\$3,000	NM		HPV
§265.316(b)	Failure of metal outer container to be full after packing with inside containers and absorbent material.	\$3,000	NM		HPV
§265.316(c)	Failure of facility owner or operator to use absorbent material that is not capable of reacting dangerously with, being decomposed by, or being ignited by the contents inside the containers.	\$5,000	NM		HPV
§265.316(d)	Failure of facility owner or operator to prevent incompatible wastes from being placed in same outside container.	\$5,000	NM		HPV

§265.316(e)	Failure of facility owner or operator to meet requirements for packaging reactive wastes before placing in hazardous waste landfill.	\$5,000	NM		HPV
(40 C.F.R. Part 265 Subpart O-Incinerators)					
<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty Or Matrix</u>	<u>Class</u>	<u>Grace period</u>	<u>Viol. Type</u>
§265.341	Failure of facility owner or operator to sufficiently analyze waste not previously burned.	\$5,000	NM		HPV
§265.345	Facility owner or operator fed hazardous waste into the incinerator during start up and shut down when not operating at steady state conditions.	Matrix	NM		HPV
§265.347(a)	Failure of facility owner or operator of incinerator to conduct monitoring of combustion and emission control instruments at least every 15 minutes or to make appropriate corrections immediately	\$3,000	NM		HPV
§265.347(b)	Failure of facility owner or operator to completely inspect incinerator or associated equipment at least daily.	\$1,000	M	30 days	SV

§265.351	Failure of facility owner or operator to remove all hazardous wastes and hazardous waste residues from the incinerator at closure.	\$5,000	NM		HPV
(40 C.F.R. Part 265 Subpart P-Thermal Treatment)					
<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty Or Matrix</u>	<u>Class</u>	<u>Grace period</u>	<u>Viol. Type</u>
§265.373	Failure of facility owner or operator to bring thermal treatment process to normal operating conditions before adding hazardous waste.	Matrix	NM		HPV
§265.375	Failure of facility owner or operator to sufficiently analyze waste not previously treated.	\$5,000	NM		HPV
§265.377(a)(1)	Failure of facility owner or operator when thermally treating hazardous waste to monitor instruments relating to temperature and emission control at least every 15 minutes.	\$3,000	NM		HPV
§265.377(a)(2)	Failure of facility owner or operator when thermally treating hazardous waste to observe stack plume at least hourly.	\$1,000	M	30 days	SV
§265.377(a)(3)	Failure of facility owner or operator when thermally treating hazardous waste to inspect process and associated equipment for leaks,	\$1,000	M	30 days	SV

	spills, etc; at least daily.				
§265.381	Failure of facility owner or operator at closure to remove all hazardous waste and residues from thermal treatment process.	\$3,000	NM		HPV
§265.382	Failure of facility owner or operator to prevent the open burning of any hazardous waste or the open burning and detonation of waste explosives too close to property line.	Matrix	NM		HPV
(40 C.F.R. Part 265 Subpart Q – Chemical, Physical, and Biological Treatment)					
§265.401(b)	Failure of facility owner or operator to prevent placing of hazardous wastes in treatment process if they could cause process to leak, corrode, or fail.	\$5,000	NM		HPV
§265.401(c)	Failure of facility owner or operator to provide continuously fed treatment process with a mechanism to stop inflow.	\$3,000	NM		HPV
§265.402(a)	Failure of facility owner or operator to conduct waste analysis and trial treatment tests before treating different waste or using a different process.	\$5,000	NM		HPV

§265.403(a)(1)	Failure of facility owner or operator to inspect discharge control and safety equipment at least once each operating day.	\$1,000	M	30 days	SV
§265.403(a)(2)	Failure of facility owner or operator to inspect data from monitoring equipment at least once each operating day.	\$1,000	M	30 days	SV
§265.403(a)(3)	Failure of facility owner or operator to inspect construction materials at least weekly.	\$1,000	M	30 days	SV
§265.403(a)(4)	Failure of facility owner or operator to monitor and inspect discharge confinement structures for erosion or leakage at least weekly.	\$1,000	M	30 days	SV
§265.404	Failure of facility owner or operator to remove all hazardous waste and residues at closure.	\$5,000	NM		HPV
§265.405	Failure of facility owner or operator to prevent placing ignitable or reactive waste in treatment process unless it is treated accordingly.	\$10,000	NM		HPV
§265.406(a)	Failure of facility owner or operator to prevent the placing of incompatible wastes in the treatment process.	\$10,000	NM		HPV
§265.406(b)	Failure of facility owner or operator to prevent the placing of	\$5,000	NM		HPV

	hazardous waste in unwashed treatment equipment which previously held incompatible waste or material.				
(40 C.F.R. Part 265 Subpart W-Drip Pads)					
<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty Or Matrix</u>	<u>Class</u>	<u>Grace period</u>	<u>Viol. Type</u>
§265.443(a)	Failure of facility owner or operator to design and construct a drip pad that is impermeable, sloped, bermed, and of sufficient structural strength or to obtain an engineer's evaluation, recertified annually.	\$5,000	NM		HPV
§265.443(b)(1)	Failure of facility owner or operator to ensure drip pads have a proper liner of appropriate materials on a sound foundation.	\$5,000	NM		HPV
§265.443(b)(2)	Failure of facility owner or operator to ensure drip pads have a proper functioning leakage detection system.	\$3,000	NM		HPV
§265.443(b)(3)	Failure of facility owner or operator to ensure drip pads have a leakage collection system to collect any leakage from below the drip pad.	\$3,000	NM		HPV
§265.443(b)(3)	Failure of facility owner or operator to record in the facility's operating log the date and amount of leakage	\$1,000	M	30 days	SV

	collected in the leakage collection system				
§265.443(c)	Failure of facility owner or operator to ensure drip pads are maintained free of cracks, gaps, or deterioration.	\$1,000	M	30 days	SV
§265.443(d)	Failure of facility owner or operator to ensure drip pads are designed and operated to control and collect all hazardous waste drippage.	\$3,000	NM		HPV
§265.443(e)	Failure of facility owner or operator to have a run-on control system to prevent or control flow onto a drip pad from at least a 25-year storm.	Matrix	NM		HPV
§265.443(f)	Failure of facility owner or operator utilizing a drip pad to have a run-off management system capable of collecting and controlling flow during a 25-year storm.	Matrix	NM		HPV
§265.443(g)	Failure of facility owner or operator to obtain a statement from a professional engineer certifying that the drip pad design meets the requirements of 40 C.F.R. § 265.443.	\$5,000	NM		HPV
§265.443(h)	Failure of facility owner or operator utilizing a drip pad to remove drippage and precipitation from collection system.	\$3,000	NM		HPV
§265.443(i)	Failure of facility owner or operator to clean drip pads of accumulated hazardous waste in order to allow for weekly inspections of the entire	\$3,000	NM		HPV

	pad.				
§265.443(i)	Failure of facility owner or operator to record in the facility's operating log the date and procedures for each cleaning.	\$1,000	M	30 days	SV
§265.443(j)	Failure of facility owner or operator to minimize the tracking of hazardous waste off of the drip pad.	\$3,000	NM		HPV
§265.443(k)	Failure of facility owner or operator to hold all treated lumber on the drip pad until drippage has ceased or to document actions.	\$3,000	NM		HPV
§265.443(l)	Failure of facility owner or operator to empty run-on and run-off collection units promptly following a storm.	Matrix	NM		HPV
§265.443(m)	Failure of facility owner or operator to make repairs to a drip pad which has had, or may of had, a release of hazardous waste, in accordance with 40 C.F.R. § 265.443(m).	Matrix	NM		HPV
§265.443(n)	Failure of facility owner or operator utilizing drip pads to maintain records of past waste handling practices.	\$1,000	M	30 days	SV
§265.444(a)	Failure of facility owner or operator using a drip pad to obtain a professional engineer's certification immediately after installation of a liner.	\$5,000	NM		HPV

§265.444(b)	Failure of facility owner or operator to inspect drip pads on a weekly basis and after storms.	\$1,000	M	30 days	HPV
§265.445	Failure of facility owner or operator to ensure that all waste and contamination have been removed when closing a drip pad.	\$3,000	NM		HPV

(40 C.F.R. Part 265 Subpart EE-Hazardous Waste Munitions and Explosives Storage)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty Or Matrix</u>	<u>Class</u>	<u>Grace period</u>	<u>Viol. Type</u>
§265.1201(a)(1)	Failure of hazardous waste munitions and explosives storage unit to be designed and operated to minimize the potential for detonation or other means of release of hazardous waste.	Matrix	NM		HPV
§265.1201(a)(2)	Failure of hazardous waste munitions and explosives storage unit to be designed and operated to provide a primary barrier designed to contain hazardous waste.	Matrix	NM		HPV
§265.1201(a)(3)	Failure of hazardous waste munitions and explosives storage unit to be designed and operated so that the waste and containers will not be in standing	\$3,000	NM		HPV

	precipitation, for wastes stored outdoors.				
§265.1201(a)(4)	Failure of hazardous waste munitions and explosives storage unit to be designed and operated so that any released liquids are contained, promptly detected, and removed (for liquid wastes).	\$3,000	NM		HPV
§265.1201(a)(5)	Failure of hazardous waste munitions and explosives storage unit to be designed and operated to provide monitoring and inspection procedures that assure the controls and containment systems are working as designed.	\$3,000	NM		HPV
§265.1201(b)(1)	Failure of hazardous waste munitions and explosives stored in earth-covered magazines to comply with the requirements of 40 C.F.R. § 265.1201(b)(1).	\$5,000	NM		HPV
§265.1201(b)(2)	Failure of hazardous waste munitions and explosives in above-ground magazines to be located and designed so as to minimize the propagation of an explosion to adjacent units.	Matrix	NM		HPV
§265.1201(b)(3)	Failure of hazardous waste munitions and explosives in outdoor or open storage areas to be located and designed so as to minimize the propagation of an explosion to adjacent units.	Matrix	NM		HPV

§265.1201(c)	Failure of hazardous waste munitions and explosives to be stored in accordance with an SOP specifying procedures to ensure safety, security, and environmental protection.	Matrix	NM		HPV
§265.1201(d)	Failure of hazardous waste munitions and explosives to be packaged to ensure safety in handling and storage.	Matrix	NM		HPV
§265.1201(e)	Failure of hazardous waste munitions and explosives to be inventoried at least annually.	\$3,000	NM		HPV
§265.1201(f)	Failure of hazardous waste munitions and explosives and their storage units to be inspected and monitored to ensure explosive safety and to ensure that there is no migration of contaminants outside the unit.	\$3,000	NM		HPV

7. The violations of N.J.A.C.7:26G-10, Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities, and the civil administrative penalty amounts for each violation, are as set forth in the following table. Also set forth are the class of offense and any grace period, if allowed.

(40 C.F.R. Part 266 Subpart C-Recyclable Materials Used in a Manner Constituting Disposal)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty</u>	<u>Class</u>	<u>Grace period</u>	<u>Viol. Type</u>
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		<u>Or Matrix</u>			
§266.23(b)	Failure of facility owner or operator to ensure hazardous waste or dioxin contaminated waste is not used for dust suppression or road treatment.	Matrix	NM		HPV
(40 C.F.R. Part 266 Subpart F-Recyclable Materials Utilized for Precious Metal Recovery)					
<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty Or Matrix</u>	<u>Class</u>	<u>Grace period</u>	<u>Viol. Type</u>
§266.70(c)	Failure to maintain required records of hazardous wastes to be reclaimed for precious metals content.	\$5,000	NM		HPV
(40 C.F.R. Part 266 Subpart H-Hazardous Waste Burned in Boilers and Industrial Furnaces)					
<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty Or Matrix</u>	<u>Class</u>	<u>Grace period</u>	<u>Viol. Type</u>
§266.102	Failure of facility owner or operator who is burning hazardous wastes in boilers or industrial furnaces to meet the requirements of 40 C.F.R. § 266.102 and the facility permit.	Matrix	NM		HPV
§266.103	Failure of facility owner or operator with an existing boiler or industrial furnace who is burning hazardous waste on an interim basis to meet	Matrix	NM		HPV

	the requirements of 40 C.F.R. § 266.103.				
§266.104	Failure of facility owner or operator who is burning hazardous wastes in a boiler or industrial furnace to meet the required destruction and removal efficiency standard.	Matrix	NM		HPV
§266.105	Failure of facility owner or operator who is burning hazardous wastes in a boiler or industrial furnace to meet the required standards for emitted particulate matter.	Matrix	NM		HPV
§266.106	Failure of facility owner or operator who is burning hazardous wastes in a boiler or industrial furnace to meet the required standards for metal emissions.	Matrix	NM		HPV
§266.107	Failure of facility owner or operator who is burning hazardous wastes in a boiler or industrial furnace to meet the required standards for HCl and chlorine gas emissions.	Matrix	NM		HPV
§266.111	Failure of facility owner or operator when transferring hazardous wastes directly from a vehicle to a boiler or industrial furnace to meet the requirements of 40 C.F.R. § 266.111.	Matrix	NM		HPV

(40 C.F.R. Part 266 Subpart M—Military Munitions)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty Or Matrix</u>	<u>Class</u>	<u>Grace period</u>	<u>Viol. Type</u>
§266.203(a)(2)	Failure of facility owner or operator to notify the Department if the military munitions waste is not received within 45 days of being shipped.	Matrix	NM		HPV
§266.205(b)	Failure of facility owner or operator to notify the Department when a storage unit identified in 40 C.F.R. § 266.205(a)(1)(iv) will no longer be used to store military munitions.	\$1,000	M	30 days	HPV

6. The violations of N.J.A.C.7:26G-11, Land Disposal Restrictions, and the civil administrative penalty amounts for each violation, are as set forth in the following table. Also set forth are the class of offense and any grace period, if allowed.

(40 C.F.R. Part 268 Subpart A-General)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty Or Matrix</u>	<u>Class</u>	<u>Grace period</u>	<u>Viol. Type</u>
§268.3(a)	Failure of generator, transporter, or facility to ensure that a restricted waste is not in any way diluted as a substitute for treatment.	\$5,000	NM		HPV

§268.4	Failure of facility owner or operator utilizing a surface impoundment for the treatment of hazardous waste to comply with the requirements of 40 C.F.R. § 268.4.	Matrix	NM		HPV
§268.7(a)(1)	Failure of generator to determine if the hazardous waste must be treated prior to land disposal.	\$5,000	NM		HPV
§268.7(a)(2)	Failure of generator to send a one-time written notice with the initial waste shipment, or updates as required, to the treatment or storage facility when the waste does not meet the treatment standard or to place a copy in the file.	\$1,000	M	30 days	SV
§268.7(a)(3)	Failure of generator to send a one-time written notice and certification with the initial waste shipment, or updates as required, to the treatment, storage, or disposal facility when the waste meets the treatment standard or to place a copy in the file.	\$1,000	M	30 days	SV
§268.7(a)(4)	Failure of generator of waste exempt from meeting treatment standards before being land disposed to send a one-time written notice with the initial waste shipment, or updates as required, to the land disposal facility or to place a copy in the file.	\$1,000	M	30 days	SV
§268.7(a)(5)	Failure of generator who is managing and treating prohibited waste to develop and follow a	\$5,000	NM		HPV

	written waste analysis plan or to keep plan on site.				
§268.7(a)(6)	Failure of generator to retain on site all data used to determine if a waste is restricted.	\$1,000	M	30 days	SV
§268.7(a)(7)	Failure of generator to keep a one-time notice on site stating that he is managing a restricted waste that is excluded from the definition of hazardous or solid waste subsequent to the point of generation and noting the disposition of the waste.	\$1,000	M	30 days	SV
§268.7(a)(8)	Failure of generator to retain documentation required by 40 C.F.R. § 268.7 for 3 years or longer during the course of any unresolved enforcement action or as requested by the Department.	\$1,000	M	30 days	HPV
§268.7(a)(9)	Failure of generator using the alternative treatment standards for lab packs to send a one-time written notice and certification with the initial waste shipment, or updates as required, to the treatment facility or to place a copy in the file.	\$1,000	M	30 days	SV
§268.7(a)(10)	Failure of small quantity generator with tolling agreements to comply with applicable notification and certification requirements for the initial shipment of waste subject to the tolling agreement or to retain copy(s) on site.	\$1,000	M	30 days	SV

§268.7(b)(1)	Failure of treatment facility to test an extract of the treatment residues for wastes with treatment standards expressed in the waste extract (TCLP) to assure that it meets the applicable treatment standards.	\$5,000	NM		HPV
§268.7(b)(2)	Failure of treatment facility to test the treatment residues for waste with treatment standards expressed as concentrations in the waste to assure that they meet the applicable treatment standards.	\$5,000	NM		HPV
§268.7(b)(3)	Failure of treatment facility to send a one-time notice with the initial waste shipment, or updates as required, to the land disposal facility or to place a copy in the file.	\$1,000	M	30 days	SV
§268.7(b)(4)	Failure of treatment facility to send a one-time certification with the initial waste shipment to the land disposal facility or to place a copy in the file.	\$1,000	M	30 days	SV
§268.7(b)(6)	Failure of treatment facility to submit a notice and certification to the Department with each shipment of recyclable materials used in a manner constituting disposal or to keep records of each entity receiving the waste-derived product.	\$1,000	M	30 days	SV
§268.7(c)(1)	Failure of land disposal facility	\$5,000	NM		HPV

	disposing restricted waste to have copies of the applicable notices and certifications.				
§268.7(c)(2)	Failure of land disposal facility disposing of restricted waste to test the waste to assure it is in compliance with the applicable treatment standards.	\$5,000	NM		HPV
§268.7(d)	Failure of generators or treaters who first claim that hazardous debris is excluded from the definition of hazardous waste to meet the proper notification and certification requirements.	\$3,000	NM		HPV
§268.9(a)	Failure of generator of a waste that displays a hazardous characteristic to determine the underlying hazardous constituents in the waste.	\$5,000	NM		HPV
§268.9(c)	Failure of generator to ensure a prohibited waste exhibiting a characteristic complies with the treatment standards under 40 C.F.R. § 268, Subpart D before being land disposed.	\$5,000	NM		HPV
§268.9(d)	Failure of generator or treater of a waste that once exhibited a characteristic but is no longer hazardous to place a one-time notification and certification in its files or to send to the Department.	\$1,000	M	30 days	SV

(40 C.F.R. Part 268 Subpart C-Prohibitions on Land Disposal)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty Or Matrix</u>	<u>Class</u>	<u>Grace period</u>	<u>Viol. Type</u>
§268.30	Failure to comply with land disposal prohibitions of wood preserving wastes.	Matrix	NM		HPV
§268.31	Failure to comply with land disposal prohibitions of dioxin-containing wastes.	Matrix	NM		HPV
§268.32	Failure to comply with land disposal prohibitions of soils exhibiting the toxicity characteristic for metals and containing PCBs.	Matrix	NM		HPV
§268.33	Failure to comply with land disposal prohibitions of chlorinated aliphatic wastes.	Matrix	NM		HPV
§268.34	Failure to comply with land disposal prohibitions of toxicity characteristic metal wastes.	Matrix	NM		HPV
§268.35	Failure to comply with land disposal prohibitions of petroleum refining wastes.	Matrix	NM		HPV
§268.36	Failure to comply with land disposal prohibitions of inorganic chemical wastes.	Matrix	NM		HPV

§268.37	Failure to comply with land disposal prohibitions of ignitable and corrosive characteristic wastes whose treatment standards were vacated.	Matrix	NM		HPV
§268.38	Failure to comply with land disposal prohibitions of newly identified organic toxicity characteristic wastes and newly listed coke by-product and chlorotoluene production wastes.	Matrix	NM		HPV
§268.39	Failure to comply with land disposal prohibitions of spent aluminum potliners; reactive; and carbamate wastes.	Matrix	NM		HPV

(40 C.F.R. Part 268 Subpart D-Treatment Standards)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty Or Matrix</u>	<u>Class</u>	<u>Grace period</u>	<u>Viol. Type</u>
§268.40	Failure to meet treatment standard requirements found in the table in 40 C.F.R. § 268.40 before land disposing of prohibited waste.	Matrix	NM		HPV
§268.45	Failure to meet treatment standards before land disposing of hazardous debris.	Matrix	NM		HPV
§268.48	Failure to meet treatment standards for underlying	Matrix	NM		HPV

	hazardous constituents.				
§268.49	Failure to comply with alternative LDR treatment standards for contaminated soil.	Matrix	NM		HPV
(40 C.F.R. Part 268 Subpart E-Prohibitions on Storage)					
<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty Or Matrix</u>	<u>Class</u>	<u>Grace period</u>	<u>Viol. Type</u>
§268.50(a)(1)	Failure of generator to store restricted waste solely for the purpose of the accumulation of such quantities of waste as necessary to facilitate proper recovery, treatment, or disposal.	\$3,000	NM		HPV
§268.50(a)(2)	Failure of facility owner or operator to store restricted waste solely for the purpose of the accumulation of such quantities of waste as necessary to facilitate proper recovery, treatment, or disposal or to clearly mark each container or tank.	\$3,000	NM		HPV
§268.50(a)(3)	Transporter stored restricted waste at a transfer facility for greater than 10 days.	\$1,000	M	24 hours	SV
§268.50(b)	Owner or operator of a treatment facility stored restricted waste for greater than one year.	\$3,000	NM		HPV
§268.50(f)	Failure of owner or operator of a treatment facility to treat or	\$3,000	NM		HPV

	dispose of liquid hazardous waste containing PCBs at concentrations equal to or greater than 50 ppm within one year of the date the wastes were placed in storage.				
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9. The violations of N.J.A.C.7:26G-12, Hazardous Waste Permit Program, and the civil administrative penalty amounts for each violation, are as set forth in the following table. Also set forth are the class of offense and any grace period, if allowed.

(40 C.F.R. Part 270 Subpart B-Permit Application)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty Or Matrix</u>	<u>Class</u>	<u>Grace period</u>	<u>Viol. Type</u>
§270.10(e)-(f)	Constructed, installed, modified, or operated hazardous waste facility without submitting Part A or Part B of permit application.	Matrix	NM		HPV

(40 C.F.R. Part 270 Subpart C-Permit Conditions)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty Or Matrix</u>	<u>Class</u>	<u>Grace period</u>	<u>Viol. Type</u>
§270.30(a)	Failure of permittee to comply with all conditions of permit.	Matrix	NM		HPV
§270.30(b)	Failure of permittee to apply for a new hazardous waste permit following expiration of initial	Matrix	NM		HPV

	permit.				
§270.30(d)	Failure of permittee to take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with permit.	Matrix	NM		HPV
§270.30(e)	Failure of permittee to properly operate and maintain systems of treatment and control used to achieve compliance with conditions of permit.	Matrix	NM		HPV
§270.30(h)	Failure of permittee to furnish to the Department within a reasonable time any information that the Department may request or copies of records required to be kept by permit.	\$3,000	NM		HPV
§270.30(i)	Failure of permittee to allow an authorized representative of the Department to enter facility, have access to and copy any records, inspect facilities, equipment etc., and sample or monitor any substances or parameters that are required by permit.	\$25,000	NM		HPV
§270.30(j)(1)	Failure of permittee to take samples and measurements that are representative of the monitored activity.	\$5,000	NM		HPV
§270.30(j)(2)	Failure of permittee to retain records of required information regarding monitoring sampling and measurements.	\$3,000	NM		HPV

§270.30(j)(3)	Failure of permittee to record specific monitoring data.	\$3,000	NM		HPV
§270.30(k)	Failure of permittee to sign and certify all applications, reports, or information submitted to Department.	\$1,000	M	30 days	SV
§270.30(l)(1)	Failure of permittee to give notice to Department as soon as possible of any planned physical alterations or additions to permitted facility.	\$1,000	M	30 days	SV
§270.30(l)(2)	Failure of permittee to give advance notice to the Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.	\$5,000	NM		HPV
§270.30(l)(4)	Failure of permittee to report monitoring results at intervals specified in permit.	\$3,000	NM		HPV
§270.30(l)(5)	Failure of permittee to submit compliance reports on interim or final requirements in any compliance schedule within 14 days after schedule date.	\$1,000	M	30 days	SV
§270.30(l)(6)(i)(A)	Failure of permittee to report, orally within 24 hours, information concerning release of any hazardous waste that may cause an endangerment to public drinking water supplies.	Matrix	NM		HPV

§270.30(l)(6)(i)(B)	Failure of permittee to report, orally within 24 hours, information concerning a release or discharge of hazardous waste, or of a fire or explosion from a hazardous waste facility which could threaten the environment or human health outside the facility.	Matrix	NM		HPV
§270.30(l)(6)(iii)	Failure of permittee to report any noncompliance which may endanger health or the environment in writing within five days.	Matrix	NM		HPV
§270.30(l)(10)	Failure of permittee to report all instances of noncompliance not reported under 40 C.F.R § 270.30(l)(4), (5), and (6) at time monitoring reports submitted.	\$3,000	NM		HPV
§270.30(l)(11)	Failure of permittee to submit relevant facts and correct information when the permittee becomes aware that it failed to submit such facts or information in permit application.	\$5,000	NM		HPV

(40 C.F.R. Part 270 Subpart D-Changes to Permits)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty Or Matrix</u>	<u>Class</u>	<u>Grace period</u>	<u>Viol. Type</u>
§270.40(b)	Failure of permittee to obtain written approval in advance of any proposed change of ownership or	Matrix	NM		HPV

	operational control.				
(40 C.F.R. Part 270 Subpart G-Interim Status)					
<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty Or Matrix</u>	<u>Class</u>	<u>Grace period</u>	<u>Viol. Type</u>
§270.71(a)(1)	Owner or operator of an interim status facility treated, stored, or disposed of hazardous waste types not specified in Part A application.	\$10,000	NM		HPV
§270.71(a)(2)	Owner or operator of an interim status facility employed processes not specified in Part A application.	\$10,000	NM		HPV
§270.71(a)(3)	Owner or operator of an interim status facility exceeded design capacities or operational limits specified in Part A application.	\$10,000	NM		HPV
§270.72(b)	Interim status facility owner or operator made changes to facility, which amounted to reconstruction of facility.	\$5,000	NM		HPV

APPENDIX A

Hazardous Materials Transportation Regulations (49 C.F.R. Parts 130, 171 through 180 and the Motor Carrier Safety Regulations (49 C.F.R. Parts 390

through 397)

(49 C.F.R. Part 130)					
<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty Or Matrix</u>	<u>Class</u>	<u>Grace period</u>	
§130.11(a)	Person offered oil for transportation without a document that indicated the shipment contained oil.	\$3,000	NM		
§130.11(b)	Person transported oil without a readily available document indicating that the shipment contained oil.	Matrix	NM		
§130.21	Person used a package that allowed a release of oil.	Matrix	NM		
§130.31(a)	Carrier transported oil without a current basic discharge plan.	Matrix	NM		
§130.33	Failure of carrier to implement a response plan.	Matrix	NM		
(49 C.F.R. Part 171)					
<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty Or Matrix</u>	<u>Class</u>	<u>Grace period</u>	
§171.2(a)	Failure of a person offering or accepting a hazardous material to be registered with	\$3,000	NM		

	the Federal DOT or offering or accepting an improperly prepared package.				
§171.2(b)	Failure of person transporting a hazardous material to be registered with the Federal DOT or to properly handle or transport hazardous materials.	\$3,000	NM		
§171.2(f)(1)	Person represented that a container or package for transportation meets requirements of 49 C.F.R. when it did not.	\$5,000	NM		
§171.2(f)(2)	Person represented that a hazardous material was present in a package, container, or motor vehicle when it was not.	\$1,000	M	30 days	
§171.2(g)(1)	Person tampered with a marking, label, placard, or description on a document.	\$3,000	NM		
§171.2(g)(2)	Person tampered with a package, container, or motor vehicle used for hazardous materials transportation.	\$3,000	NM		
§171.3(b)(1)	Failure of carrier to mark motor vehicle used to transport hazardous waste (for which a manifest is required) in accordance with 49 C.F.R §§ 390.21 or 1058.2.	\$1,000	M	30 days	
§171.15	Failure of carrier to give immediate notice of an	Matrix	NM		

	incident by telephone to Federal DOT.				
§171.16(a)	Failure of carrier to submit a written report to Federal DOT within 30 days of discovery of an incident.	Matrix	NM		
§171.16(b)	Failure of carrier to retain a copy of an incident report at its principal place of business for two years.	\$1,000	M	30 days	

(49 C.F.R. Part 172 Subpart C-Shipping Papers)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty Or Matrix</u>	<u>Class</u>	<u>Grace period</u>	
§172.200(a)	Failure of shipper to describe the hazardous material on a shipping paper.	\$3,000	NM		
§172.201(a)(1)-(4)	Failure of shipper to use a proper description on a shipping paper.	\$1,000	M	30 days	
§172.201(c)	Failure of shipper using continuation page(s) to be consecutively numbered or the first page to contain a notation specifying the total number of pages.	\$500	M	30 days	
§172.202(a)(1)-(5)	Failure of shipper to include as part of the shipping	\$1,000	M	30 days	

	description the proper shipping name, hazard class or division, ID number, packing group, and total quantity.				
§172.202(b)	Failure of shipper to show shipping description in the proper sequence with no additional information interspersed.	\$1,000	M	30 days	
§172.202(c)	Failure of shipper to list the total quantity before or after, or both before and after, the basic description.	\$1,000	M	30 days	
§172.202(e)	Shipper offered or carrier transported a material that is not a hazardous material with a hazard class or ID number in the shipping description.	\$1,000	M	30 days	
§172.203(a)	Failure of shipper to enter "DOT-E" followed by exemption number on the shipping paper.	\$1,000	M	30 days	
§172.203(c)(1)	Failure of shipper to enter the name of the hazardous substance or hazardous waste code in the shipping description when the proper shipping name does not identify the hazardous substance by name.	\$1,000	M	30 days	
§172.203(c)(2)	Failure of shipper to enter the letters "RQ" on the shipping paper.	\$1,000	M	30 days	

§172.203(k)	Failure of shipper to enter the technical names of the hazardous material in the shipping description for n.o.s. or other generic descriptions.	\$1,000	M	30 days	
§172.203(l)	Failure of shipper to enter the name of the component which makes a material a marine pollutant in the shipping description when not identified or to enter the words “Marine Pollutant”.	\$1,000	M	30 days	
§172.203(m)	Failure of shipper to enter the proper information in the shipping description for poisonous materials.	\$1,000	M	30 days	
§172.205(a)	Failure of carrier to properly prepare a hazardous waste manifest.	\$5,000	NM		

(49 C.F.R. Part 172 Subpart D-Marking)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty Or Matrix</u>	<u>Class</u>	<u>Grace period</u>	
§172.300(a)	Failure of shipper to properly mark each package, freight container, or transport vehicle.	\$3,000	NM		
§172.300(b)	Failure of carrier to properly mark each package, freight container, or transport	\$3,000	NM		

	vehicle.				
§172.301(a)(1)	Failure of shipper to mark non-bulk packaging with the proper shipping name and ID number.	\$3,000	NM		
§172.301(a)(3)	Failure of shipper of a single hazardous material in non-bulk packages in a transport vehicle or freight container to mark each side and end with the ID number and each individual package with the same proper shipping name and ID number.	\$3,000	NM		
§172.301(b)	Failure of shipper to mark non-bulk packaging subject to 49 C.F.R § 172.203(k) with the technical name of the hazardous material.	\$1,000	M	30 days	
§172.301(c)	Failure of shipper to mark the outside of a non-bulk package, authorized by an exemption, with “DOT-E” followed by exemption number.	\$1,000	M	30 days	
§172.302(a)	Failure of shipper or carrier to properly mark bulk packaging with the ID number.	\$3,000	NM		
§172.302(b)	Failure of shipper or carrier to display markings of proper size on bulk packagings.	\$3,000	NM		
§§172.302(c)	Failure of shipper or carrier	\$3,000	NM		

	to mark the outside of a bulk package, authorized by an exemption, with “DOT-E” followed by exemption number.				
§172.302(d)	Failure of shipper or carrier to maintain marking on bulk packaging when emptied.	\$3,000	NM		
§172.302(g)	Failure of shipper or carrier to comply with fumigation marking requirements.	Matrix	NM		
§172.303(a)	Shipper offered or carrier transported a package that did not contain the hazardous material marked on the package.	\$5,000	NM		
§172.304(a)(1)-(4)	Failure of shipper or carrier to meet the marking requirements.	\$1,000	M	1 hour	
§172.308(a)	Failure of shipper or carrier to use only authorized abbreviations.	\$1,000	M	30 days	
§172.312(a)	Failure of shipper of non-bulk combination package with inner packagings containing liquid hazardous material to pack with closures upward and with package orientation markings.	\$3,000	NM		
§172.312(b)	Shipper displayed arrows for purposes other than to indicate proper package	\$1,000	M	1 hour	

	orientation on a non-bulk package containing liquid hazardous material.				
§172.313(a)	Failure of shipper or carrier to mark packaging containing a material poisonous by inhalation with “Inhalation Hazard” (marking must be on two opposing sides of a bulk packaging).	\$3,000	NM		
§172.313(b)	Failure of shipper or carrier to permanently mark non-bulk plastic outer packaging used as a single or composite packaging for Division 6.1 materials with “POISON” in letters at least 6.3 mm high.	\$1,000	M	30 days	
§172.313(c)	Failure of shipper or carrier of a material poisonous by inhalation in non-bulk packages in a transport vehicle or freight container to mark each side and end with the ID number and each individual package with the same proper shipping name and ID number.	\$3,000	NM		
§172.316(a)	Failure of shipper or carrier to mark non-bulk packaging with the ORM-D designation on at least one side or end within a rectangle that is ~6.3mm larger on each side than the designation.	\$1,000	M	30 days	

§172.322(b)(1)-(2)	Failure of shipper or carrier to properly mark bulk packaging with the MARINE POLLUTANT mark.	\$3,000	NM		
§172.322(c)	Failure of shipper or carrier to properly mark a transport vehicle or freight container used to transport a package containing a marine pollutant with the MARINE POLLUTANT mark.	\$3,000	NM		
§172.322(e)	Failure of shipper or carrier to use the proper MARINE POLLUTANT mark.	\$3,000	NM		
§172.323(a)-(d)	Failure of shipper or carrier to comply with marking requirements for bulk regulated medical waste.	\$3,000	NM		
§172.324(a)	Failure of shipper to mark non-bulk packaging with the name of the hazardous substance or hazardous waste code when not identified by name.	\$1,000	M	1 hour	
§172.324(b)	Failure of shipper to mark the letters “RQ” on a non-bulk package containing a hazardous substance.	\$1,000	M	1 hour	
§172.326(a)	Failure of shipper or carrier to mark a portable tank on two opposing sides with the proper shipping name.	\$3,000	NM		

§172.326(b)	Failure of shipper or carrier to display the name of the owner or lessee on a portable tank.	\$1,000	M	1 hour	
§172.326(c)(1)	Failure of shipper or carrier to mark a transport vehicle or freight container used to transport a portable tank with ID number if not visible on portable tank.	\$3,000	NM		
§172.326(c)(2)	Failure of shipper of a portable tank in a transport vehicle or freight container to provide ID number markings to motor carrier if not visible on portable tank.	\$3,000	NM		
§172.328(a)(1)-(3)	Failure of shipper or carrier to provide, affix, or mark the ID number on a cargo tank or on the transport vehicle or freight container if not visible on cargo tank.	\$3,000	NM		
§172.331(a)-(c)	Failure of shipper or carrier to provide, affix, or mark the ID number on bulk packaging other than portable tanks or cargo tanks or on the transport vehicle or freight container if not visible on bulk packaging.	\$3,000	NM		
§172.332(c)-(d)	Failure of shipper or carrier to properly display ID number on placard.	\$3,000	NM		

§172.334(a)-(g)	Person displayed an ID number in a prohibited manner.	\$3,000	NM		
§172.336(a)	Failure of shipper or carrier, displaying ID numbers on transport vehicle or freight container that are not required or prohibited, to display proper ID numbers.	\$3,000	NM		
§172.336(b)	Failure of shipper or carrier to properly display ID number on orange and/or plain white square-on-point configuration.	\$3,000	NM		
§172.338	Failure of carrier to replace missing or damaged ID number as soon as practical or to properly enter ID number when done by hand.	\$1,000	M	30 days	

(49 C.F.R. Part 172 Subpart E-Labeling)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty Or Matrix</u>	<u>Class</u>	<u>Grace period</u>	
§172.400(a)-(b)	Failure of shipper or carrier to properly label packages or containment devices.	\$3,000	NM		
§172.401(a)	Shipper or carrier labeled a package that did not contain a hazardous material or without representing the hazard of the material.	\$3,000	NM		
§172.401(b)	Shipper or carrier marked or	\$1,000	M	1 hour	

	labeled a package that could be confused with or conflicts with a label prescribed by 49 C.F.R § §172.				
§172.402(a)(1)-(2)	Failure of shipper or carrier to label packages with primary and subsidiary hazard labels.	\$3,000	NM		
§172.402(b)	Failure of shipper or carrier to display the hazard class or division number in lower corner of primary label.	\$1,000	M	30 days	
§172.404(a)	Failure of shipper or carrier to use label for each hazard class when hazardous materials having different classes are packed within the same packaging.	\$3,000	NM		
§172.404(b)	Failure of shipper or carrier to use label for each hazard class when two or more packages containing compatible hazardous material are placed within the same outside container or overpack.	\$3,000	NM		
§172.406(a)(1)-(2)	Failure of shipper or carrier to place label in the proper location on the package or containment device.	\$1,000	M	30 days	
§172.406(c)	Failure of shipper or carrier to place primary and subsidiary hazard labels within six inches of one	\$1,000	M	30 days	

	another.				
§172.406(d)	Failure of shipper or carrier to place label on a background of contrasting color or have a dotted or solid line outer border.	\$1,000	M	30 days	
§172.406(e)	Failure of shipper or carrier to place duplicate labels on at least two sides.	\$1,000	M	30 days	
§172.406(f)	Failure of label to be clearly visible and not obscured by markings or attachments.	\$1,000	M	30 days	
§172.407(a)	Failure of shipper or carrier to use a durable and weather resistant label.	\$1,000	M	30 days	
§172.407(b)	Failure of shipper or carrier to use a label design as shown in 49 C.F.R. § 172.411 through 172.448.	\$3,000	NM		
§172.407(c)(1)-(5)	Failure of shipper or carrier to use a label, or numerals or text on a label, of proper size.	\$3,000	NM		
§172.407(d)(1)-(5)	Failure of shipper or carrier to use the proper colors on a label.	\$3,000	NM		
(49 C.F.R. Part 172 Subpart F-Placarding)					
<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty</u>	<u>Class</u>	<u>Grace</u>	

		<u>Or Matrix</u>		<u>period</u>	
§172.502(a)(1)-(2)	Shipper or carrier displayed prohibited placarding.	\$3,000	NM		
§172.502(c)	Failure of shipper or carrier, displaying placards that are not required, to display proper placards.	\$3,000	NM		
§172.504(a)	Failure of shipper or carrier to display proper placards.	\$3,000	NM		
§172.504(b)	Failure of shipper or carrier to use the DANGEROUS placard properly.	\$3,000	NM		
§172.505(a)	Failure of shipper or carrier to display POISON INHALATION HAZARD or POISON GAS placard, in addition to other placards required.	\$3,000	NM		
§172.505(c)	Failure of shipper or carrier to display DANGEROUS WHEN WET placard, in addition to other placards required.	\$3,000	NM		
§172.506(a)	Failure of shipper to provide motor carrier with the required placards prior to or at the same time the material is offered for transportation.	\$3,000	NM		
§172.506(a)(1)	Carrier transported hazardous material without proper placarding.	\$3,000	NM		

§172.512(a)	Failure of shipper or carrier to affix the required placards to a freight container having a capacity of 640 cu.ft.	\$3,000	NM		
§172.514(a)	Failure of shipper to affix the required placards to a bulk packaging.	\$3,000	NM		
§172.514(b)	Failure of shipper or carrier to maintain placarding on bulk packaging when emptied.	\$3,000	NM		
§172.516(a)	Failure of placard to be readily visible from the direction it faces.	\$1,000	M	1 hour	
§172.516(c)(1)-(6)	Failure of shipper or carrier to meet the placard visibility and display requirements.	\$1,000	M	1 hour	
§172.516(d)	Failure of shipper or carrier to ensure that placard holder does not obscure placard surface other than the borders.	\$1,000	M	1 hour	
§172.519(a)(1)-(3)	Failure of shipper or carrier to meet the placard strength and durability requirements.	\$1,000	M	30 days	
§172.519(b)	Failure of shipper or carrier to use a placard design as shown in 49 C.F.R. § § 172.521 through 172.560.	\$3,000	NM		
§172.519(c)(1)-(3)	Failure of shipper or carrier to use a placard, or numerals or text on a	\$3,000	NM		

	placard, of proper size.				
§172.519(d)(1)-(4)	Failure of shipper or carrier to use the proper colors on a placard.	\$3,000	NM		
(49 C.F.R. Part 172 Subpart G-Emergency Response Information)					
<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty Or Matrix</u>	<u>Class</u>	<u>Grace period</u>	
§172.600(c)	Failure of shipper or carrier to have emergency response information immediately available.	\$3,000	NM		
§172.602(a)(1)-(7)	Failure of emergency response information to contain all required information.	\$3,000	NM		
§172.602(b)	Failure of emergency response information to be printed legibly in English, available for use away from the package, or presented on a shipping paper.	\$1,000	M	30 days	
§172.602(c)(1)	Failure of carrier to properly maintain emergency response information.	\$1,000	M	30 days	
§172.602(c)(2)	Failure of facility operator to properly maintain emergency response information.	\$1,000	M	30 days	
§172.604(a)	Failure of shipper to provide	\$3,000	NM		

	a 24-hour emergency response telephone number.				
§172.604(a) (1)	Failure of shipper to ensure emergency response telephone number is monitored at all times the hazardous material is in transportation.	\$3,000	NM		
§172.604(a)(2)	Failure of shipper to ensure emergency response telephone number is the number of a person who is either knowledgeable of the hazardous material or has immediate access to a person who possesses such knowledge.	\$3,000	NM		
§172.604(a)(3)	Failure of shipper to enter the emergency response telephone number on the shipping paper as required.	\$1,000	M	1 hour	
§172.604(b)	Failure of emergency response telephone number to be that of the person offering the hazardous material for transportation or of an agency accepting responsibility that has received current information on the material.	\$3,000	NM		
§172.606(a)	Failure of carrier to instruct the driver to contact the carrier in the event of an incident.	\$3,000	NM		

§172.606(b)(1)	Failure of carrier transporting by highway to mark transport vehicle with its telephone number when parked at a separate location from its motive power.	\$3,000	NM		
§172.606(b)(2)	Failure of carrier transporting by highway to have the shipping paper and emergency response information available on the transport vehicle when parked at a separate location from its motive power.	\$3,000	NM		

(49 C.F.R. Part 172 Subpart H-Training)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty Or Matrix</u>	<u>Class</u>	<u>Grace period</u>	
§172.702(a)	Failure of hazmat employer to train each of its hazmat employees.	\$3,000	NM		
§172.702(b)	Failure of hazmat employer to provide training that applies to a particular function before being performed by a hazmat employee.	\$3,000	NM		
§172.702(d)	Failure of hazmat employer to test each of its hazmat employees by appropriate means on the training	\$1,000	M	30 days	

	subjects.				
§172.704(a)(1)	Failure of hazmat employee training to include general awareness/familiarization training.	\$3,000	NM		
§172.704(a)(2)	Failure of hazmat employee training to include function-specific training.	\$3,000	NM		
§172.704(a)(3)	Failure of hazmat employee training to include safety training.	\$3,000	NM		
§172.704(c)(1)	Failure of new hazmat employee, or a hazmat employee who changes job functions, to receive initial training.	\$3,000	NM		
§172.704(c)(2)	Failure of hazmat employee to receive the required training at least once every three years.	\$3,000	NM		
§172.704(d)(1)-(4)	Failure of hazmat employer to create and retain a record of current training, inclusive of the preceding three years, for 90 days after an employee is no longer employed by that employer as a hazmat employee.	\$1,000	M	30 days	

(49 C.F.R. Part 173 Subpart A-General)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty Or Matrix</u>	<u>Class</u>	<u>Grace period</u>	
§173.2a(a)	Failure of shipper to class material according to the highest applicable hazard class.	\$3,000	NM		
§173.3(c)(1)-(7)	Failure of shipper to properly use a salvage drum for packages of hazardous materials that are damaged, defective, or found leaking.	\$3,000	NM		
§173.12(b)(1)-(3)	Failure of shipper to comply with packaging requirements for lab packs.	\$3,000	NM		
§173.12(c)(1)-(5)	Failure of shipper to properly reuse a packaging for the shipment of hazardous waste.	\$3,000	NM		
§173.13(c)(1)	Failure of shipper of liquid hazardous material excepted from labeling and placarding requirements to comply with packaging requirements.	\$3,000	NM		
§173.13(c)(2)	Failure of shipper of solid hazardous material excepted from labeling and placarding requirements to comply with	\$3,000	NM		

	packaging requirements.				
§173.13(d)	Failure of shipper to mark package of hazardous material excepted from labeling and placarding requirements with the statement: "This package conforms to 49 C.F.R. 173.13."	\$1,000	M	1 hour	
(49 C.F.R. Part 173 Subpart B-Preparation of Hazardous Material for Transportation)					
<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty Or Matrix</u>	<u>Class</u>	<u>Grace period</u>	
§173.21(a)-(k)	Person offered for transportation or transported forbidden materials or packages.	Matrix	NM		
§173.22(a)(1)-(4)	Failure of shipper to use a proper packaging or container.	Matrix	NM		
§173.22a(a)	Failure of shipper using a packaging authorized under an exemption to be the holder of or a party to the exemption.	\$1,000	M	30 days	
§173.22a(b)	Failure of shipper to maintain a copy of the exemption at each facility where the packaging is being used in connection with the shipment or	\$1,000	M	30 days	

	transportation of the hazardous material.				
§173.22a(c)	Failure of shipper to furnish a copy of the exemption to the carrier when it contains requirements that apply to the carrier.	\$3,000	NM		
§173.24(b)(1)-(3)	Failure of shipper or carrier to meet the general requirements for packages.	\$3,000	NM		
§173.24(e)(1)-(5)	Failure of shipper to ensure that the packaging is compatible with its contents.	\$5,000	NM		
§173.24(f)(1)-(2)	Failure of shipper or carrier to use properly designed closures on packagings.	\$3,000	NM		
§173.24(h)(1)	Failure of shipper or carrier to leave sufficient outage when filling packages with liquids.	\$3,000	NM		
§173.24a(a)(1)-(5)	Failure of shipper of non-bulk packagings and packages to meet design requirements.	\$3,000	NM		
§173.24a(b)(5)	Failure of shipper or carrier to ensure that no hazardous material remains on the outside of a non-bulk package after filling.	\$3,000	NM		
§173.24a(d)	Failure of shipper to limit the amount of material placed into a receptacle.	\$3,000	NM		

§173.24b(a)	Failure of shipper or carrier to load liquids in bulk packagings so that the outage is at least 5% for materials poisonous by inhalation, or at least 1% for all other materials, of the total capacity.	\$3,000	NM		
§173.24b(d)(2)	Failure of shipper or carrier to limit the weight of lading loaded into a bulk package.	\$3,000	NM		
§173.25(a)(1)-(5)	Failure of shipper to use a properly prepared overpack.	\$3,000	NM		
§173.28(a)	Failure of shipper to inspect packaging or receptacle before reusing to ensure it conforms to the requirements of §§49 C.F.R. § § 171 through 180.	\$3,000	NM		
§173.28(b)(1)-(7)	Failure of shipper to properly reuse a non-bulk packaging.	\$3,000	NM		
§173.28(e)	Shipper reused a package marked as NRC for material required to be shipped in a DOT specification or UN standard packaging.	\$3,000	NM		
§173.28(f)	Failure of shipper to comply with disinfecting requirements.	\$3,000	NM		
§173.29(a)	Failure to offer for transportation or transport empty packaging containing	\$3,000	NM		

	residue of a hazardous material in the same manner as when it previously contained a greater quantity.				
§173.32(a)(1)-(3)	Failure of shipper or carrier to use a portable tank that meets the requirements of this subchapter.	\$3,000	NM		
§173.32(b)(1)-(3)	Failure to use an authorized portable tank when using substitute packagings.	\$3,000	NM		
§173.32(c)(1)-(5)	Failure to comply with grandfather provisions for portable tanks	\$3,000	NM		
§173.32(d)	Failure of shipper, prior to filling and offering a portable tank for transportation, to ensure that the portable tank conforms to the authorized specifications and meets the applicable requirements in this subchapter for the hazardous material.	\$3,000	NM		
§173.32(e)(1)-(5)	Failure to perform an external inspection and make any necessary corrections prior to filling a portable tank.	\$3,000	NM		
§173.32(f)(1)-(9)	Failure to comply with loading requirements for portable tanks.	\$3,000	NM		

§173.32(g)(1)	Failure to ensure that a portable tank, loaded on to a highway or rail transport vehicle, is loaded within the horizontal outline thereof without overhang or projection of any part of the tank assembly.	\$1,000	M	24 hours	
§173.32(g)(2)	Failure to ensure that an IM or UN portable tank, used for the transportation of flammable liquids by rail, is not fitted with non-reclosing pressure relief devices except in series with pressure relief valves.	\$3,000	NM		
§173.33(a)(1)-(3)	Failure of shipper or carrier to use an authorized cargo tank motor vehicle.	\$3,000	NM		
§173.33(b)(1)-(4)	Failure of shipper or carrier to meet cargo tank loading requirements.	\$3,000	NM		
§173.33(e)	Failure of carrier to drain piping on DOT specification cargo tanks of any material that is a Division 6.1 material, oxidizer liquid, liquid organic peroxide, or corrosive liquid (skin only) prior to transporting.	\$3,000	NM		
§173.35(a)	Failure of shipper or carrier to use an authorized intermediate bulk container.	\$3,000	NM		
§173.35(b)	Failure of shipper to visually inspect each intermediate	\$1,000	M	30 days	

	bulk container and its service equipment before filling.				
§173.35(d)	Failure of shipper or carrier filling intermediate bulk container with liquids to ensure that it is not filled to more than 98 percent of its water capacity.	\$3,000	NM		
§173.35(f)(1)	Failure of carrier to ensure that no hazardous material remains on the outside of the intermediate bulk container during transportation.	\$3,000	NM		
§173.35(f)(2)	Failure of carrier to ensure that each intermediate bulk container is securely fastened or contained within the transport unit during transportation.	\$3,000	NM		
§173.35(g)	Failure of shipper or carrier to ensure that each intermediate bulk container of solids is capable of containing the substance in the liquid state.	\$3,000	NM		
§173.35(h)(1)-(2)	Failure of shipper to use only metal, rigid plastic, or composite intermediate bulk containers for liquid hazardous material.	\$3,000	NM		
§173.35(j)	Shipper or carrier filled an intermediate bulk container with a Packing Group I	\$3,000	NM		

	liquid or exceeded the capacity for a Packing Group I solid.				
§173.35(k)	Failure of shipper or carrier to take measures to prevent an electrostatic discharge during loading and unloading of liquids with a flashpoint of 141degrees Fahrenheit or lower, or powders with the potential for dust explosion, in intermediate bulk containers.	\$3,000	NM		
§173.35(l)(1)-(4)	Failure of shipper or carrier to comply with the intermediate bulk container filling limits.	\$3,000	NM		
(49 C.F.R. Part 173 Subpart E-Non-Bulk Packaging for Hazardous Materials Other Than Class 1 and Class 7)					
<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty Or Matrix</u>	<u>Class</u>	<u>Grace period</u>	
§173.197(a)-(e)	Failure of shipper to meet the packaging requirements for regulated medical waste.	\$3,000	NM		
§173.216(c)(1-4)	Failure of shipper or carrier to meet the general packaging requirements for asbestos.	\$3,000	NM		

(49 C.F.R. Part 177 Subpart A-General Information and Regulations)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty Or Matrix</u>	<u>Class</u>	<u>Grace period</u>	
§177.800(b)	Failure of carrier or connecting carrier to perform duties, comply with requirements of §49 C.F.R. § 177, or ensure its hazmat employees receive training in relation thereto.	\$3,000	NM		
§177.800(c)	Failure of carrier to train its hazmat employees involved in transportation of hazardous material as required by §§49 C.F.R. § 177 and subpart H of §§49 C.F.R. § 172.	\$3,000	NM		
§177.800(d)	Carrier caused an unnecessary delay in the shipment of hazardous materials.	\$3,000	NM		
§177.801	Carrier transported a forbidden material or hazardous material that was not prepared in accordance with §§49 C.F.R. § §§ 171 through 180.	Matrix	NM		
§177.804	Failure of carrier to comply with the Federal Motor	\$1,000	M	30 days	

	Carrier Safety regulations.				
§177.816(a)	Failure of carrier to train driver in the requirements of §§49 C.F.R. §§ 390 through 397.	\$3,000	NM		
§177.816(b)	Person operated a cargo tank or vehicle with portable tank without receiving training or without having the appropriate State-issued commercial driver's license.	\$3,000	NM		
§177.816(d)	Failure of required training to conform to the frequency and recordkeeping requirements of §49 C.F.R. § 172.704.	\$3,000	NM		
§177.817(a)	Failure of carrier to transport a hazardous material accompanied by a properly prepared shipping paper.	\$3,000	NM		
§177.817(b)	Carrier accepted hazardous material for transportation with shipping papers that did not include the required shipper's certification.	\$3,000	NM		
§177.817(c)	Failure of carrier to comply with interlining requirements.	\$1,000	M	30 days	
§177.817(e)	Failure of carrier to ensure that the shipping papers required by §49 C.F.R. § 177.817 are available and	\$3,000	NM		

	recognizable by authorities.				
§177.823(a)	Failure of carrier to mark or placard a vehicle transporting hazardous material.	\$3,000	NM		
§177.823(b)	Failure of carrier to remove a leaking vehicle from the traveled portion of the highway or employ every available means for safe disposal of the leaking material.	Matrix	NM		
§177.823(c)	Carrier transported a leaking cargo tank more than a minimum distance necessary to reach a site for safe disposal of the contents.	Matrix	NM		

(49 C.F.R. Part 177 Subpart B-Loading and Unloading)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty Or Matrix</u>	<u>Class</u>	<u>Grace period</u>	
§177.834(a)	Failure of carrier to secure packages containing Class 3,2,8,6.1 or 7 material against movement in a motor vehicle, under conditions normally incident to transportation.	\$3,000	NM		
§177.834(c)	Person smoking on or about motor vehicle while loading	Matrix	NM		

	or unloading Class 1,3,4,5 or Division 2.1.				
§177.834(d)	Failure to keep fire away or persons from smoking when loading or unloading a Class 1,3,4,5 or Division 2.1 material from a motor vehicle.	Matrix	NM		
§177.834(e)	Failure to securely set the handbrake and prevent motion of the motor vehicle during loading or unloading of hazardous material.	\$3,000	NM		
§177.834(f)	Person used tools that are likely to damage the effectiveness of the closure and adversely affect packages or containers during the loading or unloading of Class 1 material or other dangerous articles.	\$3,000	NM		
§177.834(g)	Failure of carrier to prevent motion of Class 1,3,4,5,8,2 and Division 6.1 containers by bracing to prevent motion thereof relative to the vehicle while in transit.	\$3,000	NM		
§177.834(h)	Person tampered with hazardous material containers or discharged the contents of such containers.	Matrix	NM		
§177.834(i)	Cargo tank was not attended by a qualified person while it was being loaded.	\$3,000	NM		

§177.834(j)	Carrier permitted or person drove cargo tank containing hazardous material without securely closing the manholes, valves and other closures.	Matrix	NM		
§177.837(a)	Person loaded or unloaded a Class 3 material into or from a cargo tank motor vehicle while the engine was running.	\$3,000	NM		
§177.837(b)	Failure of carrier to provide metallic bonds or ground conductors for containers which are not in metallic contact with each other for the neutralization of static charges prior to and during transfers of Class 3 materials.	\$3,000	NM		
§177.837(c)	Failure of carrier to bond and ground cargo tanks before and during transfer of lading when a cargo tank is loaded through an open filling hole.	\$3,000	NM		
§177.837(d)	Failure of carrier to comply with unloading requirements.	\$3,000	NM		
§177.838(a)	Failure of carrier to entirely contain Class 4 and 5 materials within the body of the motor vehicle or to cover by tarpaulins or other suitable means.	\$3,000	NM		
§177.838(b)	Failure of carrier to keep Class 4 and 5 materials dry	\$3,000	NM		

	which are likely to become hazardous when wet when loading a motor vehicle and during transportation.				
§177.838(c)	Failure of carrier to load articles, possible of spontaneous combustion or heating, with sufficient ventilation to provide assurance against fire.	\$3,000	NM		
§177.838(h)	Failure of carrier to load Division 4.2 materials in cylinders with valves and safety relief device in the vapor space and in a manner that no shifting occurs in transit.	\$3,000	NM		
§177.839(a)	Carrier loaded nitric acid above any other packaging.	Matrix	NM		
§177.839(b)	Failure of carrier to protect batteries containing electrolyte from being impacted by other cargo or protecting their terminals from short circuits.	\$3,000	NM		
§177.841(a)	Failure of carrier to load bulk arsenical compounds into sift-proof, steel hopper-type, or dump-type motor-vehicle bodies equipped with water-proof, dust-proof covers well secured in place on all openings.	\$5,000	NM		

(49 C.F.R. Part 177 Subpart C-Segregation and Separation Chart of Hazardous Materials)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty Or Matrix</u>	<u>Class</u>	<u>Grace period</u>	
§177.848(b)	Failure of carrier to stow or segregate a transport vehicle containing hazardous material in accordance with §49 C.F.R. § 176.83(b).	Matrix	NM		
§177.848(c)	Carrier loaded or stored cyanide or cyanide mixtures with acids.	Matrix	NM		
§177.848(d)	Failure of carrier to load, transport, or store hazardous materials in accordance with the “Segregation Table for Hazardous Materials.”	Matrix	NM		

(49 C.F.R. Part 177 Subpart D-Vehicles and Shipments in Transit; Accidents)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty Or Matrix</u>	<u>Class</u>	<u>Grace period</u>	
§177.854(a)	Failure of carrier to guard motor vehicle transporting hazardous material and provide against hazards during unnecessary stops on the traveled portion of the highway or shoulder.	Matrix	NM		

§177.854(b)	Failure of carrier to use safest practical means afforded when leaks occur in packages or containers during the course of transportation, subsequent to initial loading.	Matrix	NM		
§177.854(e)	Failure of carrier to safely and expeditiously store leaking containers of hazardous materials.	Matrix	NM		
§177.854(f)	Failure of carrier to set out warning devices when stopped on the highway or shoulder.	\$1,000	M	1 hour	
§177.854(g)	Carrier used heat or flame to repair fuel or cargo containment system.	Matrix	NM		
§177.854(h)	Carrier repaired a cargo tank using a flame or arc before first making it gas free.	Matrix	NM		

(49 C.F.R. Part 180 Subpart D-Qualification and Maintenance of Intermediate Bulk Containers)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty Or Matrix</u>	<u>Class</u>	<u>Grace period</u>	
§180.351(a)	Carrier used an unauthorized intermediate bulk container for the transportation of a hazardous material.	\$3,000	NM		
§180.352(a)	Carrier filled, offered, or	\$3,000	NM		

	transported an intermediate bulk container before the test or inspection was completed.				
§180.352(c)	Failure of carrier to initially inspect an intermediate bulk container prior to placing hazardous materials into the container.	\$1,000	M	30 days	
§180.352(d)	Failure of carrier to comply with repair requirements for intermediate bulk containers.	\$3,000	NM		
§180.352(e)	Failure of carrier to mark the most recent test date on the intermediate bulk container.	\$1,000	M	30 days	
§180.352(f)	Failure of carrier to maintain periodic test and inspection records.	\$1,000	M	30 days	

(49 C.F.R. Part 180 Subpart E-Qualification and Maintenance of Cargo Tanks)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty Or Matrix</u>	<u>Class</u>	<u>Grace period</u>	
§180.405(a)	Carrier used an unauthorized cargo tank.	\$5,000	NM		
§180.407(a)	Carrier filled, offered, or transported a cargo tank before tests or inspections were completed.	\$3,000	NM		
§180.407(b)	Failure of carrier to test or inspect an unsafe,	\$3,000	NM		

	damaged, or out-of-service cargo tank.				
§180.415(a)	Failure of carrier to mark test and inspection dates on a cargo tank.	\$1,000	M	30 days	
§180.415(b)	Failure of cargo tank markings to be durable and legible.	\$1,000	M	30 days	
§180.417(a)	Failure of carrier to retain the manufacturer certificate for a cargo tank.	\$1,000	M	30 days	
§180.417(b)	Failure of carrier to have a written test or inspection report or to retain the written reports for cargo tanks.	\$1,000	M	30 days	
§180.603(a)	Failure to use an authorized portable tank for the transportation of hazardous materials.	\$5,000	NM		
§180.603(e)	Failure to durably mark DOT 51 portable tank specification plate with appropriate exemption number.	\$1,000	M	30 days	
§180.605(a)	Failure to test and inspect a portable tank that has become due prior to being returned for transportation.	\$3,000	NM		
§180.605(b)(1)–(5)	Failure to comply with the testing and inspection requirements of portable tanks, upon discovery of	\$3,000	NM		

	any of the conditions listed in this section.				
§180.605(c)(1)–(4)	Failure to comply with the schedule for periodic inspections and tests of portable tanks.	\$3,000	NM		
§180.605(d)	Failure to comply with the 2.5 year intermediate periodic inspection and testing schedule for IM and UN portable tanks.	\$3,000	NM		
§180.605(e)	Failure to comply with the 5-year periodic inspection and testing requirements of this section.	\$3,000	NM		
§180.605(f)	Failure to comply with the exceptional inspection and testing requirements of this section.	\$1,000	M	30 days	
§180.605(g)(1)–(7)	Failure to comply with the internal and external examination requirements of this section.	\$3,000	NM		
§180.605(k)	Failure to comply with testing and marking requirements for IM and UN portable tanks.	\$1,000	M	30 days	
§180.605(k)(1)	Failure to comply with the record retention requirements of this section.	\$1,000	M	30 days	

(49 C.F.R. Part 387 Subpart A-Motor Carriers of Property)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty Or Matrix</u>	<u>Class</u>	<u>Grace period</u>	
§387.7(a)	Failure of carrier to obtain minimum levels of financial responsibility.	Matrix	NM		
§387.7(d)	Failure of carrier to maintain proof of financial responsibility at principal place of business.	\$1,000	M	30 days	

(49 C.F.R. Part 390 Subpart B-General Requirements and Information)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty Or Matrix</u>	<u>Class</u>	<u>Grace period</u>	
§390.21(a)	Failure of carrier to mark a commercial motor vehicle.	\$500	M	30 days	
§390.21(b)	Carrier displayed incomplete or incorrect vehicle markings.	\$500	M	30 days	
§390.21(c)	Failure of carrier to use proper size, shape, color, or location of markings.	\$500	M	30 days	
§390.29	Failure of carrier to comply with requirements for location of records or documents.	\$500	M	30 days	

§390.31(a)	Failure of carrier to preserve records and documents in their original form.	\$500	M	30 days	
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(49 C.F.R. Part 391 Subpart B-Qualification and Disqualification of Drivers)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty Or Matrix</u>	<u>Class</u>	<u>Grace period</u>	
§391.11(a)	Carrier permitted or required an unqualified person to drive a commercial motor vehicle.	\$3,000	NM		
§391.13	Failure of carrier to comply with driver qualification requirements.	\$1,000	M	30 days	
§391.15(a)	Carrier required a disqualified driver to drive a commercial vehicle.	\$3,000	NM		

(49 C.F.R. Part 391 Subpart C-Background and Character)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty Or Matrix</u>	<u>Class</u>	<u>Grace period</u>	
§391.21(b)	Failure of carrier to furnish an employment application.	\$1,000	M	30 days	
§391.23(a)	Failure of carrier to make required background investigations of a commercial vehicle driver.	\$3,000	NM		

§391.25(a)	Failure of carrier to make an annual inquiry into all driving records.	\$1,000	M	30 days	
§391.25(b)	Failure of carrier to make an annual determination that drivers meet minimal requirements.	\$3,000	NM		
§391.25(c)	Failure of carrier to maintain state agency response to a driving record inquiry.	\$1,000	M	30 days	
§391.27(a)	Failure of carrier to annually require each driver to furnish a list of all violations.	\$1,000	M	30 days	
§391.27(d)	Failure of carrier to maintain violation list or certificate in driver's qualification file.	\$1,000	M	30 days	

(49 C.F.R. Part 391 Subpart D-Tests)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty Or Matrix</u>	<u>Class</u>	<u>Grace period</u>	
§391.31(a)	Failure of carrier to require a commercial vehicle road test.	\$3,000	NM		
§391.31(d)	Failure of carrier to provide road test form.	\$500	M	30 days	
§391.31(e)	Failure of carrier to complete a certificate of driver's road test.	\$500	M	30 days	

§391.31(g)	Failure of carrier to retain original signed road test form or certificate.	\$500	M	30 days	
(49 C.F.R. Part 391 Subpart E-Physical Qualifications and Examinations)					
<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty Or Matrix</u>	<u>Class</u>	<u>Grace period</u>	
§391.41(a)	Failure of person to carry a current medical examiner's certificate.	\$500	M	30 days	
(49 C.F.R. Part 391 Subpart F-Files and Records)					
<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty Or Matrix</u>	<u>Class</u>	<u>Grace period</u>	
§391.51(a)	Failure of carrier to maintain a driver qualification file.	\$3,000	NM		
§391.51(b)	Failure of carrier to maintain a complete qualification file.	\$500	M	30 days	
§391.51(c)	Failure of carrier to maintain driver qualification file for three years beyond employment.	\$1,000	M	30 days	

(49 C.F.R. Part 392 Subpart A-General)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty Or Matrix</u>	<u>Class</u>	<u>Grace period</u>	
§392.7(a)	Person drove a commercial motor vehicle prior to ensuring parts and accessories were in good working order.	\$1,000	M	30 days	
§392.8	Person drove a commercial motor vehicle before being satisfied that the emergency equipment was in place and ready for use.	\$500	M	30 days	
§392.9(a)-(b)	Person operated a commercial motor vehicle prior to ensuring the cargo was properly distributed and adequately secured.	\$3,000	NM		

(49 C.F.R. Part 393 Subpart H-Emergency Equipment)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty Or Matrix</u>	<u>Class</u>	<u>Grace period</u>	
§393.95(a)	Failure of carrier to equip a power unit with a properly filled and located fire extinguisher.	\$500	M	30 days	
§393.95(c)	Failure of carrier to equip vehicle with spare fuses.	\$500	M	30 days	

§393.95(f)	Failure of carrier to equip motor vehicle with warning devices for stopped vehicles.	\$500	M	30 days	
(49 C.F.R. Part 395)					
<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty Or Matrix</u>	<u>Class</u>	<u>Grace period</u>	
§395.3(a)	Carrier permitted or required a driver to drive more than 10 hours or after being on duty for 15 hours.	\$500	M	30 days	
§395.3(b)	Carrier permitted or required a driver to drive for any period after having been on duty 60 hours in 7 consecutive days or after having been on duty 70 hours in 8 consecutive days.	\$500	M	30 days	
§395.8(a)	Failure of person to record duty status.	\$500	M	30 days	
§395.8(c)	Failure of person to record change of duty status.	\$500	M	30 days	
§395.8(f)	Failure of person to record driver's activities.	\$500	M	30 days	
§395.8(i)	Failure of person to file driver's record of duty status.	\$500	M	30 days	
§395.8(k)	Failure of carrier to retain records of duty status.	\$500	M	30 days	

(49 C.F.R. Part 396)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty Or Matrix</u>	<u>Class</u>	<u>Grace period</u>	
§396.11(a)	Failure of person to prepare a written report.	\$500	M	30 days	
§396.11(b)	Failure of person to indicate deficiencies or lack of deficiencies on report or to sign report.	\$500	M	30 days	
§396.11(c)	Failure of carrier to repair deficiencies or to certify or retain inspection reports.	\$3,000	NM		
§396.13(a)-(c)	Failure of person to be satisfied that the vehicle is in safe operating condition or to review or sign previous inspection reports.	\$500	M	30 days	

(49 C.F.R. Part 397 Subpart A-General)

<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty Or Matrix</u>	<u>Class</u>	<u>Grace period</u>	
§397.3	Failure of carrier to comply with jurisdictional laws concerning driving and parking of hazardous materials vehicles.	\$1,000	M	30 days	
§397.5	Failure of carrier to attend a vehicle that contains	\$3,000	NM		

	hazardous materials.				
§397.7(b)	Carrier parked a hazardous material vehicle within 5 feet of the traveled portion of a street or highway.	\$1,000	M	30 days	
§397.11	Carrier operated or parked a hazardous material vehicle near an open fire.	\$3,000	NM		
§397.13	Person smoked within 25 feet of a hazardous material vehicle.	\$3,000	NM		
(49 C.F.R. Part 397 Subpart C-Routing of Non-Radioactive Hazardous Materials)					
<u>Rule</u>	<u>Rule Summary</u>	<u>Base Penalty Or Matrix</u>	<u>Class</u>	<u>Grace period</u>	
§397.67(b)	Carrier operated a hazardous material vehicle over inappropriate routes.	\$1,000	M	30 days	

N.J.A.C. 7:26G-2.4(h) Conditions of grace period

(a) The Department will provide a grace period for any violation identified as minor in accordance with the tables or Appendix A at N.J.A.C. 7:26G-2.4(g), and not impose a penalty provided that:

1. The violation is not the result of the purposeful, knowing, reckless or criminally negligent conduct of the person responsible for the violation; and,

2. The violation poses minimal risk to the public health, safety and natural resources; and

3. The violation does not materially and substantially undermine or impair the goals of the regulatory program; and

4. The activity or condition constituting the violation has existed for less than 12 months prior to the date of discovery by the Department; and

5. (a) The person responsible for the violation has not been identified in a previous enforcement action by the Department as responsible for a violation of the same requirement of the same permit within the preceding 12 month period; or

(b) In the case of a violation that does not involve a permit, the person, as defined in the Act, responsible for the violation must not have

been identified by the Department in a previous enforcement action as responsible for the same or a substantially similar violation at the same facility within the preceding 12 month period; and

6. The violation is capable of being corrected and compliance achieved within the time prescribed by the Department.

(b) Where the Department discovers a violation that is designated as minor in the tables or Appendix A at N.J.A.C. 7:26G-2.4(g) and in accordance with (a) above, it will issue a notice of violation to the person responsible for the minor violation that:

1. Identifies the condition or activity that constitutes the violation and the specific statutory and regulatory provision or other requirement violated; and

2. Notifies the person responsible for the violation that the violation may be eligible for a grace period and no penalty imposed provided the violation meets the applicability criteria identified in (a) above and compliance is achieved within the time period provided for the violation as set forth in the tables and Appendix A at N.J.A.C. 7:26G-2.4(g).

(c) If a person responsible for a minor violation corrects that violation as required and achieves compliance within the period specified in the tables and Appendix A at N.J.A.C. 7:26G-2.4(g), the Department will not impose a penalty for the violation.

(d) If the person responsible for the violation fails to achieve compliance within the period of time specified in the Notice of Violation, the Department may, in accordance with the provisions of this chapter, impose a penalty that is retroactive to the date the enforcement document was first issued.

Based on consultation with staff, I hereby certify that the above statements, including the Federal Standards Analysis (p. 16) addressing the requirements of Executive Order No. 27 (1994) and the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., permit the public to understand accurately and plainly the purposes and expected consequences of this proposal. I hereby authorize the proposal.

Date

Bradley M. Campbell, Commissioner
Department of Environmental Protection